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नई विल्ली, शनिवार, जुलाई 29, 1978/श्रावण 7, 1900

No. 30]

NEW DELHI, SATURDAY, JULY 29, 1978/SRAVANA 7, 1900

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रलग संकलन के क्षम में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3 उप-खण्ड (ii)

PART II—Section 3 Sub-Section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य कोष व प्रशासनों को छोड़कर)
केंद्रीय प्राधिकारियों द्वारा जारी किए गए सांविधिक आदेश और प्रधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India

(other than the Ministry of Defence) by Central Authorities

(other than the Administrations of Union Territories)

ELECTION COMMISSION OF INDIA

New Delhi, the 14th July, 1978

1 2 3 4

S.O. 2156.—In pursuance of section 111 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the report of the High Court at Calcutta dated the 9th June, 1978 in Election Petition No. 1 of 1977.

ELECTION PETITION CASE NO. 3 of 1977

HIGH COURT AT CALCUTTA

ELECTION PETITION JURISDICTION

In the matter of

S. K. Abed Ali & Anr. Petitioner

Versus

Dhirendra Nath Basu & Ors. Opposite Party

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
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Mr. Bhola Sen appears & submits. The Court : Leave granted to withdraw the Election petition in terms of prayer (a) of the Petition. Leave also granted for refund of the security deposit lying with the Registrar, O.S. in terms of prayer (b) of the Petition. Let a copy of this Order be forwarded to the Election Commissioner for publication in the Official Gazette.

Sabyasachi Mukharji.
A TRUE COPY

Sd/- 13-6-78.

For Registrar High Court

[No. 82/WB/3/77]

New Delhi, the 14th July, 1978

S.O. 2157.—In pursuance of section 111 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the report of the High Court at Calcutta dated the 9th June, 1978 in Election Petition No. 1 of 1977.

E. P. Case No. 1 of 1977

HIGH COURT AT CALCUTTA

ELECTION PETITION JURISDICTION

In the matter of—

Sivaprasad Bhattacharya

Versus

Petitioner

Saugata Roy & Others

19, Barrackpore Parliamentary
Constituency.

Respondents.

Noting by office or Advocate	Serial No.	Date	Office notes, reports orders or proceedings with signatures
	9-6-78	Mr. S. K. Ganguli appears for the petitioner and submits. Mr. Bhola Sen appears & submits.	The Court :—Leave granted to withdraw Election petition in terms of prayer (a) of the Petition. Leave also granted for refund of the security deposit lying with the Registrar, O.S. in terms of prayer (b) of the Peti- tion. Let a copy of this order be forwarded to the Election Commis- sioner for publication in the Official Gazette. Sabyasachi Mukherji.

A TRUE COPY

Sd/-13-6-78.

Sealed.

For Registrar, High Court
Original side, Calcutta
[No. 82/WB/1/77]
T. NAGARATHNAM, Secy.

नई दिल्ली, 17 जुलाई, 1978

S.O. 2158.—लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 106 के अनुमति में निर्वाचन आयोग, 1977 की निर्वाचन अर्जी संख्या में दिया गया पंजाब और हरियाणा उच्च न्यायालय, च०३७८, का तारीख 8 जून, 1978 का आदेश प्रकाशित करता है।

श्री० नाग सुशम्यन, सचिव

New Delhi, the 17th July, 1978

S.O. 2158.—In pursuance of the section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Judgment dated the 8 June, 1978 of the High Court of Punjab and Haryana at Chandigarh, in election petition No. 1 of 1976.

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CIVIL. MISC. SIDE

Election Petition No. 1 of 1976

1. Sardar Kundan Singh Patang son of Sardar Kaka Singh, M.L.A. resident of village Sehjra, Tehsil Barnala, District Sangrur.

2. Sardar Harbans Singh M.L.A. son of Sardar Mehar Singh resident of village and Post Office Jalal, Tehsil Rampura Phool, Distt. Bhatinda.

.... Petitioners

Versus

1. Sardar Raghbir Singh Gill, M.P. (member Council of States), resident of village and Post Office Landhan, Tehsil Kharar, District Ropar.

2. Shrimati Amarjit Kaur M.P. (Member of Council of States), resident of Old Moti Bagh, Annexe, Patiala.

3. Shri Sat Pal Mittal, M.P. (Member, Council of States), resident of Sarabha Nagar, Ludhiana.

4. Sardar Gurcharan Singh Tohra, President of the Shromani Gurdwara Parbandhak Committee, Amritsar resident of village and Post Office Tohra, District Patiala, presently detained in Central Jail, Ferozepore.

.... Respondents

Election Petition under sections 80 and 81 and 84 read with Section 101 of the Representation of People Act, 1951 praying that the Election Petition may be accepted and the election of Shri Raghbir Singh Gill Respondent No. 1 to the Council of States may be declared void.

It is further prayed that Sardar Gurcharan Singh Tohra Respondent No. 4 may be declared elected in place of Sardar Raghbir Singh Gill Respondent No. 1.

It is also prayed that the cost of the election petition may be awarded to the petitioners against the Respondent No. 1.

S. P. of 76

Dated, the 8th June, 1978

PRESENT

The Hon'ble Mr. Justice S. S. Sandhawalia.

For the Petitioners : Mr. S. S. Bedi, Advocate (M/s. N. S. Bhatia and P. K. Jain, with him).

For the Respondents : Mr. Anand Swaroop, Advocate (M/s. A. S. Sandhu, Advocate and H. S. Mann, Adv. with him).

Mr. S. S. Kang, Advocate for respondent No. 4.

Mr. I. B. Bhandari, Advocate for respondent No. 3.

JUDGMENT

S. S. Sandhawalia, J.—

P. 2 In this rather unusual election petition, the purity of the country's famed electoral process has been fouled with such impunity that the matter might well deserve consideration by the Election Commission to avoid any such future recurrence.

What is sought to be put under challenge herein is the election of S. Raghbir Singh Gill, respondent No. 1, to the Rajya Sabha from the Punjab Legislative Assembly constituency by the biennial election held on the 27th March, 1976. The election petition has been preferred by S. Kundan Singh Patang and S. Harbans Singh who were the sitting Akali legislators of the Punjab Legislative Assembly at the material time.

This case has sharp and indeed vicious political overtones. In an election petition of this nature, this would be perhaps unavoidable. Within the limits of judicial restraint, it first becomes necessary to notice in the raw the case sought to be set up on behalf of the election-petitioners apart from what in fact would be found proved later on the record. This is so because the allegations in the pleadings and some of the undisputed fact, are an essential backdrop for putting the matter in correct perspective as also for appreciating the evidence led herein. The last internal emergency was proclaimed by the President on the 25th of June, 1975, on the advice of the former Prime Minister Shrimati Indira Gandhi. The Akali Party at the relevant time was in opposition against the Congress Ministry in the Punjab as one of the allies of the other major internal opposition parties in the country. It forthwith determined to launch a crusade against the proclamation of the emergency. Following p. 3 virtually a unanimous decision of the Party, a protracted civil disobedience movement styled as a *morcha* was launched by the Akalis on the 9th of July, 1975. This campaign was formally inaugurated by the emergence of a *jatha* of five traditional Satyagrahis from the privileged precincts of the Golden Temple at Amritsar and they courted arrest on the 9th of July, 1975 led by S. Parkash Singh Badal, a former and present Chief Minister of Punjab. The other four members of this *jatha* consisted of some of the top brass of the Akali Party namely, S. Jagdev Singh Talwandi, S. Gurcharan Singh Tohra (respondent No. 4), S. Atma Singh and S. Basant Singh Khalsa. At least three of the aforesaid Akali leaders, namely, S. Parkash Singh Badal, S. Jagdev Singh Talwandi and S. Gurcharan Singh Tohra remained in virtually continuous incarceration till the relaxation of emergency 19 months after its imposition whilst the other two intermittently remained in and out of jail. The high-sounding claim on behalf of the election-petitioners is that whilst one by one the lights went out over the rest of the country, the Akali Dal tried to uphold the torch of liberty by sending forth a continuous stream of Satyagrahis to court arrest throughout the long-drawn-out emergency. Ultimately the whole of its leadership went into incarceration and it is the unchallenged claim that more than 45,000 volunteers courted arrest during this period.

Whilst the emergency was as yet at its zenith and no end thereof seemed in sight, on the 3rd of March, 1976, the elected members of the Punjab Legislative Assembly were called upon to elect 3 members to the Rajya Sabha. The last date for filing the nomination papers was 10th March, 1976, and after scrutiny on the 11th of March, 1976, the last date for withdrawal was the 13th of March, 1976. The total voting strength of the Punjab Legislative Assembly at the material time was 102. The virtually admitted partywise break up thereof was as follows :—

1. Congress—65
2. Communist Party of India—10.
3. Akali Party—25.
4. C.P.M.—1
5. Jan Sangh—1

It is the case of the election-petitioners that in the light of the aforesaid political linkage the Congress Party even with the express support of the members of the Communist Party of India could have secured only two out of the three seats for the Council of States and realising this plain reality the parliamentary Board of the Indian National Congress nominated only two official Congress candidates therefore, namely, Smt. Amarjit Kaur respondent No. 2 and Shri Sat Pal Mittal, M.P. respondent No. 3.

On the other hand, the Akali Legislative party with a strength of 25 members and definite support of the one member each of the Jan Sangh and the C.P.M. was equally sure to win one of the three seats and accordingly the Shiromani Akali Dal nominated respondent No. 4 (S. Gurcharan Singh Tohra) who was then the sitting member of the Council of States as its lone candidate.

Giani Zail Singh was the Chief Minister of the Congress Ministry in the Punjab from February, 1972. The election petitioners allege that the parliamentary Board of the Congress did not entirely accede to the wishes of the Chief Minister in awarding the official Congress tickets to the applicants and in order to keep up his prestige and make a show of strength he decided to put up a candidate for the third seat as well in the election and to ensure his success by all means fair or foul. Accordingly he selected respondent No. 1 Shri Raghbir Singh Gill, a close associate and confidant to oppose S. G. S. Tohra in the election. Shri R. S. Gill is alleged to be one of the most active supporters of Giani Zail Singh the then Chief Minister who vigorously canvassed for the latter during his election from the Anandpur Sahib Assembly Constituency in the bye-election of 1970 and in the general elections of 1972. He later became the Political Secretary of the Chief Minister and was subsequently made the President of the District Congress Committee, Ropar in which the Anandpur Sahib Assembly Constituency falls. About a year prior to the election in dispute he was appointed as a member of the Subordinate Services Selection Board by the Chief Minister and on the 18th of February, 1976 he was appointed the Chairman of the Punjab State Agricultural Board which is alleged to be a lucrative post in the patronage of the Chief Minister. However, S. R. S. Gill, respondent No. 1 was made to resign by the Chief Minister from the aforesaid Chairmanship of the Marketing Board in the nick of time on the 9th of March, 1976 to file his nomination papers on the following day of the 10th of March, 1976. It is alleged that the post of the Chairman vacated by S. R. S. Gill was kept vacant till the result of the election was over so that in case of his defeat he could be re-appointed. The positive assertion on behalf of the election-petitioners is that respondent No. 1 was a mere protege of the Chief Minister who was his main campaigner and he was selected primarily because of his close association with the then Chief Minister Giani Zail Singh and further with an eye that in case of his defeat no loss of prestige to the Congress High Command would ensure because he was not formally an official candidate.

It is the stand of the two election-petitioners that having set up respondent No. 1 as his candidate, Chief Minister Giani Zail Singh forthwith launched a high pressure campaign during the emergency against the Akali legislators to secure their defection and support for respondent No. 1. It is alleged that on the very day of 9th of March, 1976, when respondent No. 1 became a candidate the defection of S. Karnail Singh Marhari, an Akali legislator was publicly procured. Thereafter an indiscriminate spate of arrests of Akali members and the registration of false cases against them is alleged to have been launched. Two legislators S. Gurbachan Singh and S. Kundan Singh Patang (one of the election petitioners) were arrested under Rules 36/43 of the Defence of India Rules on the 19th of March, 1976. A case under section 307 of the Indian Penal Code read with Rule 67 of the D.I.R. was registered against S. Prehlad Singh, Akali M.L.A. but he secured anticipatory bail from the High Court. When S. Jagdev Singh Talwandi and S. Basant Singh Khalsa who had courted arrest sought to furnish bail in order to be present for voting in the election they were told that they were further deemed to be under arrest under Rules 36/43 of the Defence of India Rules. It is alleged that significantly these cases were registered on the 11th of March, 1976 at Amritsar in connection with some alleged incident of 9th of July, 1975 with the mala fide motive of preventing the presence of all these legislators at the time of voting. Further it is the case that the house of Shri Sukhdev Singh Dhindsa, Akali M.L.A. of Dhanaula was raided on the night between 18th and 19th of March, 1976 but when he surrendered before the Chief Judicial Magistrate, Sangrur, it was reported that no case was pending against him. The allegation is that a surreptitious attempt was made to illegally detain him without bringing the matter on the record and thereby depriving him of his right to vote.

Serious allegations have been laid at the door of S. Partap Singh, Secretary of the Punjab Vidhan Sabha who was the Returning Officer for the election. It is averred that under the pressure of the then Chief Minister, Giani Zail Singh he refused to issue postal ballot-papers to those Akali legislators who were detained under laws other than Maintenance of Internal Security Act. Thereupon an Akali delegation led by S. Randhir Singh Cheema, M.L.A. submitted a memorandum

to the Chief Election Commissioner of India, New Delhi and S. Satnam Singh Bajwa another Akali legislator (who later defected but at the relevant time was the election agent of S. G. S. Tohra) filed a writ petition in the High Court seeking the right of vote for four Akali Legislators who were in custody under statutes other than the Maintenance of Internal Security Act. The Chief Election Commissioner of India later issued a direction that postal ballot-papers shall be supplied to all the detained legislators irrespective of the provision of law under which they were held. The election-petitioners allege that in view of this Giani Zail Singh, Chief Minister and respondent No. 1 changed their methods because the registration of false cases and detention of legislators would now be of no avail. However, they were successful in securing the defection of S. Satnam Singh Bajwa, a prominent Akali legislator on the 23rd of March, 1976 on the eve of the election.

Seven Akali legislators and one Jan Sangh M.L.A. were in preventive detention before the poll in different jails in the State as follows :—

1. S. Parkash Singh Badal, Leader of the Akali Assembly Party, was shifted to Tihar Central Jail Delhi at that time ;
2. S. Jaswinder Singh Brar, and
3. S. Jagdev Singh Talwandi, Deputy Leader of Akali Assembly Party and Senior Vice President of the Akali Dal respectively were in Central Jail, Patiala ;
4. S. Basant Singh Khalsa, General Secretary of the Akali Dal was in Sub Jail, Nabha.
5. S. Surjit Singh Barnala, another General Secretary of the Akali Dal was in District Jail, Jullundur.
6. Sardar Gurbachan Singh ; and
7. Sardar Kundan Singh Patang (petitioner No. 1) were in District Jail, Sangrur.
8. Dr. Baldev Parkash was in Central Jail, Amritsar.

All the aforesaid persons are averred to be educated and experienced legislators and barring Dr. Baldev Parkash they were staunch supporters and disciplined members of the Akali Party committed to support the candidature of S. G. S. Tohra who was the sole official candidate and with regard to whom the party mandate had been issued to all the legislators to cast their first preference votes for him and not to cast any other preference vote for anybody else. Dr. Baldev Parkash the lone Jan Sangh legislator in the Assembly was equally committed to support the candidate of the Akali party in opposition to the Congress or Congress sponsored candidate in view of the emergency and also because he had been recently elected in a bye-election to the Punjab Legislative Assembly with the direct Akali support. As a consequence of the writ petition filed by the Shiromani Akali Dal earlier in the High Court and the assurance given by the Election Commissioner the method of voting by the aforesaid eight detainees was determined to be by way of postal ballots to be issued to them. The election petitioners aver that all the aforesaid eight M.L.As. (including petitioner No. 1) marked the postal ballot papers forwarded to them by placing the figure one opposite the column of S. G. S. Tohra as their first preference votes. It is claimed that there was no occasion for any of the said eight detainees to cast their second preference votes for any of the four candidates and in fact they were sorely opposed to the official Congress candidates as also to the Congress sponsored candidate of respondent No. 1 S. R. S. Gill.

The postal ballot-papers of the detainees are alleged to have arrived in the office of the Returning Officer long before the date of the count. It is claimed that Shri Partap Singh the Secretary of the Vidhan Sabha and the Returning Officer for the election had strained relations with the Speaker of the Assembly and was dependant on the Chief Minister for his continuance in the office. In substance it is alleged that with the active consent and connivance of the Returning Officer and certain Superintendents of the Jails in which the detainees were confined as also with the aid of one Tirath Singh Sobti, the postal ballot-papers were tampered with in favour of

respondent No. 1 and against the official Akali candidate Shri G. S. Tohra respondent No. 4. It is, however, candidly admitted in the election petition itself that the mischief having been done secretly the election petitioners were not in a position to state the exact method and process adopted by the Returning Officer or his accomplices to tamper with the ballots. In sum it is alleged that the then Chief Minister Giani Zail Singh was using the official machinery to further election prospects of his nominee S. R. S. Gill and with his consent used the Returning Officer in collaboration and conspiracy with certain persons, named or unnamed to tamper with the above-said postal ballot papers and changed four of them to this extent that they should be considered and counted as first preference votes for S. R. S. Gill, instead of S. G. S. Tohra. It is claimed that these four tampered ballot papers would bear testimony to the allegations of the election petitioners and in the interest of justice the same should be inspected and the forgery thereon be discovered.

At the time of the counting on the 27th of March, 1976 in the Vidhan Sabha premises at Chandigarh S. Randhir Singh Cheema, M.L.A. was present as the election agent of respondent No. 4 S. G. S. Tohra, the Official Akali candidate along with S. Manjit Singh Khaira, Advocate and S. Sukhdev Singh Dhillon. When the postal ballot papers were being sorted out the aforesaid persons discovered that four of them were tampered with wherein the figure 1 placed opposite name of S. G. S. Tohra to indicate the first preference vote for him had been altered to II in Roman form. This discovery was made easier by the fact that the voters who cast their votes at the polling booth in the Assembly Office had to mark their ballot-papers in red colour with the material so provided by the Returning Officer whilst on the other hand the eight postal ballot-papers except one were marked in blue colour. This difference in the colour of ink used for marking had thus rendered it easier for the representatives of respondent No. 4 to determine that tampering had been done in four of the postal ballot papers. In all these, this process of conversion from the ordinary figure one of international numerals to II in Roman figures disclosed an overwriting and alteration as well. Besides tampering with the figure one as above, figure I in Roman form had been added opposite the name of S. Ragbir Singh Gill, respondent No. 1 in the ballot-papers. S. Manjit Singh Khaira, the Counting Agent of S. G. S. Tohra and his companions protested against the same but nevertheless these four tampered ballot-papers were counted by the Returning Officer in favour of respondent No. 1. Despite this improper reception of four first preference votes, respondent No. 1 still secured only 23 first preference votes against an equal number secured by S. G. S. Tohra. However, it was only by the addition of second preference votes in favour of S. R. S. Gill respondent No. 1 that he was declared elected by a narrow margin having secured 27.81 votes, the ascertained quota being 25.41 votes. The overall voting for all the three seats was as follows :—

1. Smt. Amarjit Kaur	29 first preference votes.
respondent No. 2.	
2. Sh. Sat Pal Mittal,	27 first preference votes.
respondent No. 3	
3. S. Ragbir Singh Gill	23 first preference votes.
respondent No. 1.	4.81 second preference votes.
4. S. Gurcharan Singh	23 first preference votes.
Tohra, respondent No. 4.	

The candidates at serial numbers 1 to 3 were consequently declared elected forthwith on 27th March, 1976 and the lone loser was the official candidate of the Akali Party, respondent No. 4.

S. G. S. Tohra being apparently in incarceration at the relevant time, the present election petition was preferred, as already noticed, by two of the Akali legislators on the 10th of May, 1976. Therein, apart from others, the specific prayer made was that in order to subserve the ends of justice an inspection of the postal ballot-papers was essential. The ultimate relief claimed was that the four tampered postal ballot-papers which had been improperly received in favour of respondent No. 1 be counted in favour of respondent

No. 4 and he be declared elected to the Rajya Sabha whilst the election of Shri Raghbir Singh Gill, respondent No. 1 be declared void. Allegations of the committing of corrupt practices, were also made which, however, at the final stage were not seriously pressed.

A significant feature of the present case which will come for examination and comment at a later stage is the fact that neither of the two election petitioners nor respondent No. 1 whose electoral fortunes were seriously at stake have chosen to step into the witness-box. Therefore the stand taken by respondent No. 1 in his written statement has to be noticed in some detail in order to determine as to what part of the election-petitioners' case is admitted and what is controverted and consequently needs to be established. On merits para Nos. 1 to 4 of the election petition stand admitted except a half-hearted averment that the petitioners were not entitled to challenge the election of respondent No. 1 which was never seriously pressed in view of the clear statutory provisions. Para 5 of the election petition to the effect that respondent No. 2 Smt. Amarjit Kaur and respondent No. 3 Shri Sat Pal Mittal were the only official candidates of the Indian National Congress as also the fact that respondent No. 4 was the official Akali candidate have been admitted. However, whilst admitting that respondent No. 1 was an independent candidate, it has been averred that he was supported by various members of the Legislative Assembly belonging to different parties and no particular party as such was supporting him. The number of votes polled by each candidate as given by the election petitioners and the factum of the ascertained quota have also been admitted as a matter of record. In reply to para 8 of the election petition the primary grievance appears to be that the averments made therein were vague and essential facts in support of the allegations have not been set out in this paragraph. However, in reply to para 9 it is admitted that the strength of the Congress Party in the Punjab Legislative Assembly at the material time was only 65 and further that the Congress Party had the support of the Communist Party of India. The specific averment that the Akali Legislative Party consisted of 25 members or the allegation that they had the support of the Jan Sangh and the Communist Party (M) has not been denied. However, the allegation of mal-practice by the Chief Minister with regard to the false involvement of the Akali M.L.As. in criminal cases and their alleged arrests has been vehemently controverted. In the alternative it is pleaded that respondent No. 1 had nothing to do with these mal-practices. As regards para 10, no specific denial has been made to the election-petitioners' allegations that the Parliamentary Board of the Congress did not show much consideration to the wishes of Giani Zail Singh, Chief Minister in awarding the official tickets to the applicants for the vacant seats in the Council of States and that the Chief Minister in order to make a show of strength and to keep up his prestige had decided to put up his own candidate for the third seat. It has been merely said that the answering respondent was not aware of these matters but the clear stand taken is that he was not put up as a candidate by the Chief Minister but had taken an independent decision to contest on the basis of the support extended to him by all the parties.

Whilst denying the election-petitioners stand that respondent No. 1 was a mere protege of the Chief Minister, it was, however, admitted that the relations of the answering respondent with Chief Minister Giani Zail Singh were cordial and that he was a supporter and sympathiser of the Congress Party and as such helped all Congress candidates for contesting elections. It is also admitted that the answering respondent had supported Giani Zail Singh when he contested the bye-election and the general elections held in 1970 and 1972 respectively from the Anandpur Sahib constituency. It is also admitted that answering respondent No. 1 had acted as Political Secretary to the Chief Minister for some time and was also elected as the President of the District Congress Committee Ropar to which area he belongs and within which the Anandpur Sahib Assembly Constituency falls. The fact of respondent No. 1 having been appointed and having functioned as a member of the Subordinate Services Selection Board, Punjab and thereafter as the Chairman of the Punjab State Agricultural Marketing Board is admitted. It is also admitted that respondent No. 1 had resigned from the post of the Chairmanship of the Marketing Board for fighting the election as an independent candidate, though it is sought to be denied that he was the Chief Minister's candidate for the third seat. It has then not been denied that the post

of the Chairman from which respondent No. 1 had resigned was kept vacant till the result of the election was over. In reply to para 12 whilst denying any pressure being put on the Akali legislators, it is, however, admitted that S. Karnail Singh Marhari a member of the Akali legislative party had on the eve of the election defected from the said party and declared himself as an independent. It may be mentioned in this very context that another defection of S. Satnam Singh Bajwa on the eve of the election on the 23rd of March, 1976 (at that time a prominent member of the Akali Legislative Party has also been admitted but it is averred that he had done so on being impressed by the twenty point programme of the then Prime Minister. However, any pressure for securing the defection of Shri Bajwa is denied. In reply to paragraph 13, the specific allegations of arrests of Akali legislators on the dates given therein have not been controverted but on the other hand it is averred that the answering respondent had nothing to do with the alleged arrests or registration of the cases and further that there were no mala fide motive behind these arrests and registration of cases. It is averred that according to the answering respondent the said cases were registered and arrests made on the allegations that there had been violations of certain laws by the persons so arrested and that he has nothing to do with any of the alleged acts of the Government or the misconduct of any of its functionaries.

The allegations in para No. 15 of the election petition were ultimately not pressed on behalf of the election petitioners. Therefore the stand of respondent No. 1 with regard thereto does not call for any notice. However, the averments in para 16 with regard to the detention of seven Akali M.L.As. and Dr. Baldev Parkash and lone Jan Sangh legislator in different jails specified therein have been admitted and the issuance of the postal ballot-papers to them is not denied but it is claimed that all of them have voted according to their choice and free will. It is, however, denied that all the 8 aforesaid legislators were supporting respondent No. 4 or that they have cast their first preference votes in his favour and no other preference in favour of any other candidate. In reply to para 17 with regard to the actual counting on the polling day, the presence of S. Randhir Singh Cheema as the Election Agent of respondent No. 4 and others is admitted. However, the firm stand is that no ballot-paper whatsoever was either tampered with or was subjected to any overwriting nor was there any conversion of the marking thereon as alleged on the postal ballot-papers. Any protest by Shri M. S. Khaira, Advocate or his associates is also denied. It is, however, admitted that respondent No. 4 secured 23 first preference votes as also the answering respondent and the latter won on the second count by the transference of second preference votes given in his favour.

The allegations of the election-petitioners regarding the connivance and conspiracy of respondent No. 1, Giani Zail Singh then Chief Minister of Punjab, Shri Partap Singh the Returning Officer and other personnel to tamper with the postal ballot-papers have, of course, been specifically controverted.

The area of agreement and admission having been noticed, one may now proceed squarely to examine the arena in which the parties are bitterly at issue. On the pleadings the following issues were struck:—

1. Whether there has been violation of Rule 39 of the Conduct of Election Rules, 1961, as alleged in para 15 of the Election Petition? If so, has the same materially affected the result of the election in so far as it concerns the returned candidate, respondent No. 1?
2. Whether four ballot-papers were unauthorisedly tampered with after the voters thereof had cast their first preference on them in favour of respondent No. 4? If so, whether they were thereby converted in favour of respondent No. 1 by changing the figure 1 placed against the name of respondent No. 4 into figure II and further placing the figure I in favour of respondent No. 1? If so, what is its effect?
3. Whether the aforesaid four ballot-papers were improperly received and counted in favour of respondent No. 1 by the Returning Officer which fact has materially affected the result of the election insofar as respondent No. 1 is concerned. If so, what is its effect?

4. Whether the election petitioner is entitled to an inspection of all the ballot-papers cast in the election in the interest of justice?
5. Whether respondent No. 1 has committed the corrupt practice under section 123(7) of the Representation of People Act by obtaining assistance from the Returning Officer of the election, who was a gazetted officer in the service of the Punjab Government for the furtherance of the prospects of his election. If so, what is its effect?
6. Whether respondent No. 4 had in fact received the majority of the valid votes cast in the election and is, therefore, entitled to be declared elected in place of respondent No. 1 under section 101 of the Representation of the People Act?

7. Relief.

Issue No. 1 Act the very outset it may be noticed that the learned counsel for the petitioners has not pressed issue No. 1 and, therefore, no reference to either the allegations with regard thereto or the evidence led on the point is at all necessary. This issue is accordingly decided against the election-petitioners.

Issue No. 4. At this very stage it deserves notice that one of the crucial hurdles in the way of the election petitioners was the determined and the stout opposition raised on behalf of the respondent No. 1 with regard to their claim of the inspection of the eight postal ballot-papers. In the present election petition on behalf of respondent No. 1, a firm stand was sought to be taken that there existed an absolute legal bar against the reception of any evidence in Court regarding the exercise of franchise in favour of or against any candidate under the provisions of the Representation of the People Act, 1951. This matter is obviously and completely covered by issue No. 4 aforesaid. As is evident the substratum of the election petitioners' case was that four out of the eight postal ballot-papers were tampered with and altered at the instance of respondent No. 1 in order to favour him and these four tampered votes were received in his favour with the express connivance and active manipulation of the Returning Officer himself and others. The inspection of the postal ballot-papers, therefore in a way was the very bed-rock of the election-petitioners' case. However, in the course of the examination-in-chief of S. Surjit Singh Barnala P.W. 13, Union Minister for Agriculture, the ballot-paper cast by this witness was sought to be shown to him and a prayer was made that the same (which was then in a sealed cover) be opened and received in evidence. Because at that stage the matter of inspection of ballot-papers was yet in issue, further examination of the witness was adjourned. Later C.M. No. 13-E of 1977 was also moved by the election-petitioners seeking expressly in terms of the examination of the impugned ballot-papers and to put them to the concerned witnesses. Learned counsel for the parties had at that very time agreed that the decision of the said application and the scope of issue No. 4 being co-extensive the order on that application would govern both of them. Accordingly the rather ticklish question whether the principle of the secrecy of ballot without exception created a bar to the examination of ballot-papers by the Court as also the reception of evidence with regard thereto was argued at great length before me. Counsel for the parties seemed to agree that the matter was almost res *integra* without being completely covered by any decision on the point. The question was finally disposed of by my exhaustive order dated the 25th October, 1977 whereby it was concluded that on the basis of the provisions of the Act itself, the rules framed thereunder and on principle and weight of precedent, there did not seem to exist any absolute rule of secrecy for bidding the reception of evidence in all contingencies regarding the casting of a vote in an election. C.M. 13-E of 1977 was, therefore, allowed in the following terms :—

"I would accordingly allow the application and direct the inspection and examination of the postal ballot-papers in the present case. Invariably, the witnesses relevant to these ballot-papers are also allowed to be examined with regard thereto in the interests of justice".

It deserves mention in this context that the order aforesaid was the subject matter of C.A. No. 4723 of 1977 before

their Lordships of the Supreme Court. However, rather curiously the answering respondent withdrew the same later on 1st November, 1977.

In the light of the above, learned counsel for the parties are agreed that issue No. 4 stands fully covered by the order dated the 25th of October, 1977. For the reasons recorded therein, I decide issue No. 4 in favour of the election-petitioners and against respondent No. 1.

Issues Nos. 2 & 3. Issues Nos. 2 and 3 are so obviously and inextricably inter-linked that these must inevitably be discussed together. Indeed the learned counsel for the parties addressed common arguments jointly with regard to both these issues.

In support of their case, the learned counsel for the petitioners examined 17 witnesses in all. P.W. 1 Shri S. K. Mehdiniratta, an Assistant in the Election Commissioner's office proved the application Exhibit P.W. 1/1 presented by Shri Randhir Singh Cheema before the Election Commission and the order Exhibit P.W. 1/2 passed thereon. P.W. 2 Shri M. S. Khaira, an Advocate of some standing in this High Court deposed that he was the polling agent and the counting agent of respondent No. 4 in the biennial election to the Rajya Sabha. The relevant part of his testimony is that he first noticed that out of the eight envelopes postal ballot-papers the wax-seals on six of them were not decipherable at all and were not those of the Superintendents of Jails concerned. He then noticed that out of the ten disputed postal ballot-papers which were being counted in favour of Shri R. S. Gill, respondent No. 1 three, which were marked with blue ink, were heavily overwritten and especially so as regards the marking for the second preference. He deposed that he could easily detect this because the writing material used for marking preferences by persons voting at the polling booth was in red colour. Further as regards the fourth ballot paper which was marked with a red ball-point the second preference marking showed a difference in colour of the two lines and was distinguishable from the other three which were marked in the Roman whilst this contained two parallel lines. He deposed that on the basis of all his observations he felt convinced that the four postal ballot-papers had been clearly tampered with against S. G. S. Tohra and in favour of respondent No. 1.

P.W. 3 Giani Ajmer Singh, Secretary of the Shiromani Akali Dal Amritsar deposed that he had been the Secretary of the Dal for the last 23 years. At the time of the biennial election in 1976, seven or eight of the Akali legislators of the Punjab Vidhan Sabha were in jail and the party had issued a categorical whip to the aforesaid legislators and to others that they must cast their sole first preference votes in favour of their official Akali candidate S. G. S. Tohra and no other. He deposed regarding the credentials and longstanding loyalties to the Akali Party of S. Parkash Singh Badal, S. Jaswinder Singh Brar, S. Jagdev Singh Talwandi and S. Surjit Singh Barnala for well-nigh two decades or more. He also deposed that at that time the Akali Dal had the unstinted support of Dr. Baldev Parkash the lone Jan Sangh M.L.A. who was elected from Amritsar in a bye-election with the support of the Akali Dal. P.W. 4 Shri J. M. Kaush, Deputy Superintendent of the Punjab Vidhan Sabha produced the relevant election records. P.Ws. 5 to 10 are officials of the various District Jails where the legislators were confined during the relevant time and gave evidence with regard to the casting of the votes by the detenus. P.Ws. 11 and 12 are officials of the Post Office who were summoned to give evidence with regard to the posting and registration of the postal ballot-papers.

There is then a galaxy of four witnesses who undoubtedly hold prominent position in the political field both at the State and at the national level. They are P.W. 13 S. Surjit Singh Barnala, Union Cabinet Minister for the Agriculture and Irrigation, P.W. 14 S. Jagdev Singh Talwandi, Member of Parliament and President of the Shiromani Akali Dal, P.W. 15 S. Jaswinder Singh Brar, Cabinet Minister, for Co-operation in the Punjab State and S. Parkash Singh Badal, Chief Minister of Punjab. A detailed reference and appraisal as also analysis of their evidence is inevitable and will follow at a later stage and it suffices here to mention that all the four of them have unreservedly supported the case of the election-petitioners.

There is then the evidence of Diwan E. S. Puri P.W. 17 Handwriting and Finger Print Expert, Patiala who after an expert examination of the four disputed ballot-papers had

given a categoric opinion that all the four have been tampered with and the first preference marked in favour of S. G. S. Tohra has been converted into a second preference and with the same writing instrument and writing material a first preference has been added against the name of respondent No. 1 in each of them.

In rebuttal R.W. 1 Shri Partap Singh, Secretary Punjab Vidhan Sabha, Chandigarh and the Returning Officer in the election as also R.W. 5 Shri Dharam Singh Ojla, Personal Assistant to him, have stepped into the witness-box. R.W. 2 Shri Karnail Singh Marhari was called to the stand primarily to rebut the allegation that he had shown his ballot-paper after marking the same and before casting it in the ballot-box which is now of no great relevance as this issue has not been pressed. R.W. 3 Master Jagir Singh was put into the witness-box apparently to show the previous long standing groupism in the Akali Party. Lastly, R.W. 4 Mrs. R. K. Vija, hand-writing expert, whilst admitting that there was overwriting etc. in three of the postal ballot papers with different pen and ink yet opined that the same had been done in the natural form by the original hand. She opined that there was overwriting in one of the postal ballot papers, Exhibit P.W. 16/A.

Before one comes to a close examination and analysis of the evidence aforesaid, it is indeed right to notice certain broad features of the case in the light of which this evidence can be meaningfully construed. However, even prior to this, an admitted aspect of the case may first be highlighted.

In pursuance of the exhaustive order dated the 25th October, 1977, allowing the inspection of ballot papers, the same was duly conducted in open Court in presence of the learned counsel for the parties. The 8 postal ballot papers in the case, which were earlier separately sealed by Mr. J. M. Kaush, Deputy Superintendent, Punjab Vidhan Sabha Secretariat, Chandigarh, were opened in Court and an examination thereof revealed that in 4 of the said ballot papers, only a single first preference mark had been made against the name of Shri Gurcharan Singh Tohra, respondent No. 4, and this had been done in ordinary international numerals. In the remaining 4, the first preference mark had been made in favour of the returned candidate Shri Raghbir Singh Gill and another second preference mark was shown against the name of Shri Gurcharan Singh Tohra and all these markings were in Roman numerals in contra-distinction to the other 4 postal ballot papers. These 4 are the crucial disputed ballot papers and 3 of them were marked in blue whilst the other one was marked in red ink. After removing the small black chits for concealing the numbers of the postal ballot papers and their counter-files, it was established that the 4 disputed ballot papers bore the numbers 111, 114, 115 and 116. With reference to the admitted record including the marked copy of the electoral role, it was admittedly established that the ballot paper bearing No. 111 was issued in favour of Shri Jagdev Singh Talwandi. Similarly, it was established that the ballot paper bearing No. 114 was issued to Sardar Jaswinder Singh Brar, ballot paper bearing No. 115 was issued to Sardar Surjit Singh Barnala and ballot paper No. 116 was issued in favour of Sardar Parkash Singh Badal. These proceedings were recorded in the detailed order dated October 31, 1977 and no objections whatsoever were raised by counsel for either of the parties to the aforesaid inspection and examination of the ballot papers and the relevant records. Throughout the present case, therefore, the admitted stand is that the 4 disputed postal ballot papers were issued as under :—

(i) Exhibit P. W. 13/1	Serial No. 115	P.W.13, Shri Surjit Singh Barnala
(ii) Exhibit P.W. 14/1	Serial No. 111	P.W/14. S.Jagdev Singh Talwandi.
(iii) Exhibit P.W. 15/1	Serial No.114	P.W.15, S.Jaswinder Singh Brar
(iv) Exhibit PW 16/A	Serial No.116	P.W.16 Sardar Parkash Singh Badal.

I may reiterate that the whole case in Court has been conducted and argued on the aforesaid admitted premises.

Once that is so, it is manifest that under issues Nos. 2 and 3, the crucial and indeed the sole question that arises for determination is this—whether the aforesaid P.Ws. S. Surjit Singh Barnala, S. Jagdev Singh Talwandi, S. Jaswinder Singh Brar and S. Parkash Singh Badal had exercised a solitary single preference vote in favour of respondent No. 4, Gurcharan Singh Tohra, as deposed to on oath by them. Or whether all the aforesaid 4 persons in a cross-betrayal of their party and colleague had vacillatingly put their first preference in favour of respondent No. 1 and a second preference in favour of Shri Gurcharan Singh Tohra and whilst doing so, each had over-written and altered the postal ballot papers entrusted to him for marking. This is so because now it is the admitted stand on behalf of the returned candidate that the 4 postal ballot papers aforesaid undoubtedly have been altered and over-written but the case laid is that this has been so done by the original authors thereof themselves.

The broad spectrum against which the alleged high drama of tampering and forging the postal ballot papers in this case has been played, first deserves pointed notice. The larger canvass of this background does not seem to be in doubt. The internal emergency was proclaimed by the President on the 25th of June, 1975 on the advice of the former Prime Minister Smt. Indira Gandhi heading the Congress Government at the Centre. The Akali Party was at the relevant time in opposition against the congress Ministry in the Punjab. The Akali Party in the Punjab as one of the allies of the major opposition parties in the country forthwith determined to launch a crusade against the proclamation of the emergency. It is not in serious dispute that following virtually a unanimous decision, a protracted civil disobedience movement styled as a 'Morcha' was launched by the party on the 9th of July, 1975. In traditional style, five front-rank leaders of the Akali party forming the vanguard of its leadership and headed by Sardar Parkash Singh Badal, a former and the present Chief Minister of Punjab and consisting of Sardar Jagdev Singh Talwandi (P.W. 14), Sardar Gurcharan Singh Tohra (respondent No. 4), Sardar Atma Singh and Sardar Basant Singh Khalsa, emerged from the privileged precincts of the Golden Temple in Amritsar and courted arrest. It is the unchallenged claim of the election-petitioners that subsequently as many as 45,000 volunteers of the Akali Party in a determined and protracted struggle offered themselves for arrest in a non-violent Satyagrah. Three of the aforesaid Akali leaders, namely, S. Parkash Singh, Badal, S. Jagdev Singh Talwandi and S. Gurcharan Singh Tohra, remained in continuous incarceration till the relaxation of the emergency 19 months after its imposition on the declaration and the calling of General Elections in January, 1977, P.W. 14, Sardar Jaswinder Singh Brar, followed soon after and offered himself for arrest on the 15th July, 1975, and remained in prison till the lifting of the emergency. Sardar Surjit Singh Barnala, now a Minister in the Central Cabinet, and, at the relevant time, one of the General Secretaries of the Akali Dal, apparently remained behind to guide the satyagrah movement from within the precincts of the Golden Temple in Amritsar till 25th October, 1975, whereafter he was also arrested and remained in incarceration. It perhaps deserves reiteration that from 1972 onwards, the Congress Ministry headed by Chief Minister Giani Zail Singh had remained continuously in power in the Punjab. Nor is it in doubt that the arrest and the incarceration of the aforesaid persons along with other leaders and followers of the Akali Party was under the orders and the policy of the existing Congress Governments both at the Centre and in the State.

Came March 1976 when the internal emergency was at its zenith and appeared as yet to be unending, when the biennial election from the Punjab Vidhan Sabha for the Rajya Sabha became due. There were in all 3 seats vacant from the Constituency and admittedly the break-up of the members, according to the party affiliation in a House of 102 members, was as follows :—

1. Congress Party 65 members
2. Communist Party
of India 10 ..

3. Akali Legislatu- re Party	25	member
4. Jan Sangh	1	"
5. Communist Party (Marxist)	1	"
Total:	102	members

The ascertained quota was 25.51 votes and it was, therefore, evident that on the party affiliation, the Congress legislature Party even with the support of the Communist Party of India could only win 2 out of the 3 seats and in recognition of this hard reality, the Congress Parliamentary Board set up only 2 official candidates of its party, namely, Smt. Amarjit Kaur and Satpal Mittal respondents Nos. 2 and 3 respectively. On the same premises, the Akali Legislature Party on the basis of its numerical strength and of the assured support of the lone Jan Sangh and Communist Party (Marxists) members was equally sure of one seat if the aforesaid members voted in accordance with the Party mandate. It deserves recalling that Shri Gurcharan Singh Tohra (respondent No. 4) was the lone Akali Legislator representing his Party in the Rajya Sabha at that time. It does not seem to be a matter of serious challenge that in accordance with the Party Policy, he being the sitting member was given the official Akali ticket and there is overwhelming evidence that an unreserved mandate was issued to all the Akali Legislators to cast a single preference vote in his favour in order to ensure his election to and continued representation of the party in the Rajya Sabha. The Akali Party as such and its leadership in particular were consequently deeply interested in the retention of the seat and the election of Sardar Gurcharan Singh Tohra to the Rajya Sabha.

On the pleadings itself, this at least is not in dispute that on the eve of this very election, two of the Akali Legislators, namely, Sardar Karnail Singh Marhari and Sardar Satnam Singh Bajwa, defected from the Party at that crucial moment. The fact of the registration of cases against other Akali Legislators and their detention at or near the eve of the election is again a matter admitted on the record though, inevitably, respondent No. 1 has denied any personal hand therein or any ulterior motive for the arrest of these legislators or the registration of the cases against them. Be that as it may, it is evident on the record that in the existing political climate, there was the keenest contest and struggle on the part of the Akali Party to retain its solitary seat in the Rajya Sabha and perhaps an equally forceful attempt on the part of the Congress Chief Minister to dislodge it therefrom.

Now it is equally undeniable that P. Ws. S. Parkash Singh Badal, S. Surjit Singh Barnala, S. Jagdev Singh Talwandi and S. Jaswinder Singh Brar, as also S. Gurcharan Singh Tohra (respondent No. 4) at the material time and both prior thereto and subsequently thereafter constituted the cream and vanguard of the Akali Party. Equally it is not in doubt that in March, 1976 the whole of the party was locked in a life and death political struggle against the party in power. From July 1975 or soon thereafter, the aforesaid persons had been in custody and continuously detained and by March, 1976 the continuation of the emergency seemed unending as also the incarceration of these persons in prison. That these persons would stand deeply embittered both personally and politically against the forces arrayed against them is a matter which could not even be denied by the learned counsel for respondent No. 1. But what further deserves notice in this case is the fact that all the four authors of these postal ballot papers were at the material time confined in different jails at far-flung places and there is nothing whatsoever on the record to show nor is it suggested that they had the least opportunity of open and common political communication or to consult and act in concert. It is common case that all the material time Sardar Parkash Singh Badal was confined in the Tihar Central Jail at Delhi; Sardar Surjit Singh Barnala was incarcerated in the District Jail at Jullundur; Sardar Jagdev Singh Talwandi and Sardar Jaswinder Singh Brar were confined in Central Jail, Patiala, whilst Sardar Gurcharan Singh Tohra was also imprisoned.

Relying on the host of the abovesaid factors, Mr. S. S. Bedi, learned counsel for the election petitioners, has been forcefully able to contend that the case set up on behalf of respondent

No. 1 that the aforesaid four Akali leaders had chosen to cast their first preference in his favour is inherently improbable, if not totally impossible. It was submitted that to suggest that in March, 1976 (when both the personal and political animosities of these four persons against the party in power were at a fever pitch) they would commit political *hara kiri* by betraying the party to which they were wedded, or to stab in the back the lone official Party candidate Sardar Gurcharan Singh Tohra who represented the Akalis in the Rajya Sabha, and in the bargain to boost the prestige of the Congress Chief Minister, who had detained them for an unspecified period which hung over them like a sword of damocles, appears to border manifestly on the absurd. On the larger prospect, there is obvious merit in the aforesaid contention. It must be held that, in the ordinary and normal course of events, all the four aforesaid witnesses must inevitably have voted in accordance with the dictates of their Party unless there were grave and adequate reasons to take a contrary course, which have not even been remotely suggested, far from being established. On the other hand, it is established that Mr. Gurcharan Singh Tohra, apart from being a known leader and doyen of the Akali Party, had courted arrest along with Sardar Parkash Singh Badal, and Sardar Jagdev Singh Talwandi in the first Jetha on the 9th of July, 1976. At that stage and thereafter, there was neither any reason nor any ground for suggesting even a grain of discord betwixt S. G. S. Tohra on one side and S. Parkash Singh Badal, S. Surjit Singh Barnala, S. Jagdev Singh Talwandi and S. Jaswinder Singh Brar the four Akali legislators on the other. Therefore the suggestion that all the aforesaid four prestigious Akali leaders had in preference to their own party candidate and colleague S. G. S. Tohra cast their first preferences for respondent No. 1 on the face of it is totally against the normal course of events, to put it mildly. Indeed the core of the respondent's case that all these four persons whilst confined at different places had on their own coincidentally chosen to betray their party and their convictions as also their trusted colleague and official nominee of the party in favour of respondent No. 1 who was a man totally obscure and unknown to them and obviously represented their inveterate political opponents must necessarily be held as patently implausible, if not utterly untenable.

Now the credentials and the status of respondent No. 1 for joining the fray of a closed and privileged legislature constituency of the Rajya Sabha is in itself a significant aspect of the case. On the admitted pleadings, it is the stand that Shri Raghbir Singh Gill, respondent No. 1 has been consistently in the fold of the Congress party from the very beginning. His long and close association with the then Chief Minister Giani Zail Singh is also not in any doubt. The cordiality of this relationship has been in terms, admitted by respondent No. 1 in para eleven of the written statement. Respondent No. 1 belongs to the district of Ropar in which falls the Anandpur Sahib constituency of the Punjab Vidhan Sabha. It is admitted that in 1971 a prestigious bye-election from this constituency took place to the Punjab Vidhan Sabha in which Giani Zail Singh was the successful Congress candidate. Respondent No. 1 in that campaign admittedly gave unstinted support to the former Chief Minister. Then followed the general elections of 1972 and Giani Zail Singh again contested from the aforesaid Anandpur Sahib constituency and was again the recipient of enthusiastic support from respondent No. 1. It is again admitted that respondent No. 1 was later made the President of the District Congress Committee of Ropar and the case of the election petitioners that this was in reward for his services is obviously plausible. The close links between the two are then evident from the admitted position that respondent No. 1 was appointed and served to the Political Secretary to Giani Zail Singh whilst he was the Chief Minister for a considerable time. That thereafter he moved to the realm of higher patronage is again not denied. He was appointed a member of the Punjab Subordinate Services Selection Board and it cannot be gainsaid that the appointment to the post lies clearly within the power and patronage of the Chief Executive. Thereafter hardly a little more than a year prior to the present election, respondent No. 1 was appointed the Chairman of the Punjab State Agricultural Marketing Board. This has been rightly alleged by the election petitioners as a more prestigious and lucrative post. That this appointment is again within the power and patronage of the Chief Executive seems to be equally patent. The significance, however, is that only a day before the last date

for filing the nomination of papers, that is, on the 9th of March, 1976, respondent No. 1 resigned from the said office and forthwith put in his papers as an independent candidate for this election. It is not denied that the office of the Chairman of the Punjab State Agricultural Marketing Board was kept vacant and open for him if his decision to contest was to end in his dis-comfiture. Even leaving out the four disputed ballot-papers, respondent No. 1 did secure 19 first preference votes and a number of second preference votes of the value of 4.51. The host of the aforesaid admitted factors lend total plausibility to the election-petitioners' case that respondent No. 1 was a close confidant of the Chief Minister Giani Zail Singh and in any case was the Chief Minister's sponsored candidate for the third seat from the Assembly constituency, the Congress Party having set up only two official candidates on the basis of its existing party affiliation.

Even a rudimentary knowledge of the political process would reveal that candidate do not and in fact cannot rush into a closed circuit Vidhan Sabha constituency without a modicum of political and party support. The earlier break-up of the Party affiliation in the Punjab Vidhan Sabha, which stands admitted on behalf of respondent No. 1 has significantly shown that in fact at the material time there was not a single independent member in the Legislature.

Therefore, any independent candidate without the clear support of one or the other of the parties could not have a ghost of the chance to be elected. The emergency at that time was at its zenith and the political battle lines were sharply drawn. It is not in dispute that the Congress and the Communist Party of India at that time were working in a close alliance and both of them commanded the allegiance of 75 members (Congress 65; C.P.I. 10) in all. The Communist Party of India admittedly had set up no candidate of its own. Out of this membership at least 55 to 56 members were clearly committed or certain to support the two official Congress Party candidates, namely, Smt. Amarjit Kaur and Shri Sat Pal Mittal, respondent Nos. 2 and 3, the ascertained quota in the election being 25.51 votes. Even the result makes it evident that both these two official Congress candidates had actually received 56 votes in all. That would have left round about 19 members of this alliance to spare for supporting any other candidates sponsored by the group. Significant in this context is the fact that respondent No. 1 did in fact poll 19 first preference votes out of those cast in person by the members at the Vidhan Sabha polling station. It was, therefore, plausibly argued that the result of the contest was bound to turn on the 8 postal ballot papers allotted to the detained legislators. Consequently the pressure and the attempt to tamper with them. On the other hand, the rest of the Assembly membership was clearly ranged on the other side against the Congress Party and consisted of the Akali legislators and the lone Jan Sangh and Communist Party of India (Marxist) members. In such a situation, it is obvious that the third candidate with the least possible chance of success must necessarily have had the support of the Congress and the Communist Party of India in so far as these parties alone could spare some legislators after ensuring the success of the two official Congress Candidates. It deserves highlighting also that respondent No. 1 had never in his political career even been a legislator at any stage far from representing the legislators in the Rajya Sabha. Speaking politically he was clearly a man of obscure origin and P. Ws. 13 to 17 are virtually unanimous and firm and it appears rightly so, in their assertion that they had not even heard his name as a political figure. On the admitted facts and the larger prospect, therefore, the conclusion seems to be inescapable that respondent No. 1, if not wholly the protege of Giani Zail Singh, the then Chief Minister, was certainly hand-picked by him and the ruling Congress Party for winning the third seat and dislodging the Akali representative from the Punjab Assembly constituency.

In sharp contrast to the political credentials of respondent No. 1 are those of Sardar Gurcharan Singh Thora, respondent No. 4. That he was a doyen of Akali Party, whose association with the same was hoary with age, does not seem to be in much dispute. At the relevant time he was the President of the Shiromani Gurdwara Parbandhak Committee and was also a member of the executive of the Shiromani Akali Dal. That he has been a leading light of the Akali party, both prior to the said time and thereafter, stands admitted even on

behalf of respondent No. 1 from the tenor of the cross-examination directed against the witnesses. Again at the material time he was the only sitting member of the Akali Party in the Rajya Sabha who had completed his term of six years. Whether in accordance with an earlier convention or otherwise it is not in dispute that he was re-nominated as the official candidate of the party for the seat and there does not even appear to be a hint of a suggestion that any controversy whatever was raised in the Akali Party circles with regard to his candidature. On the other hand, there is no challenge to the consistent stand of the witnesses as also in the pleadings that an unreserved mandate was officially issued on behalf of the Akali Party to all the Akali legislatures to vote for him without exception. In fact, it has been stated that the Akali legislators were directed to cast their sole first preference vote for him and not any second preferences whatsoever as they had no connection or soft-corner for either of the three candidates—two of whom were the official Congress candidates—and the third was obviously inspired by the same ruling party. There is no evidence worth the name to suggest even the remotest personal animosity or hostility between S. G. S. Tohra, on one side, and four voters whose allegiance to him is sought to be put in doubt on the other. In fact, the whole tenor of evidence would show that he was one of their trusted colleagues. It is established that S. G. S. Tohra was one of the five Akali leaders to launch the Satyagraha Movement against the emergency by courting arrest on the 9th of July, 1975. It is not in doubt that in that Jatha P. W. 16 S. Parkash Singh Badal and P. W. 14 S. Jagdev Singh Talwandi were his comrades. Having remained in continuous incarceration thereafter there is nothing to suggest that subsequently there was any cause for the four Akali leaders to sabotage the election process of their party in general or the candidature of S. G. S. Tohra in particular. On the admitted facts it seems to be obvious as to where the allegiance of these four Akali leaders (whose postal ballot-papers are in issue) would lie in a context wherein their colleague S. G. S. Tohra, respondent No. 4 was ranged against an obscure candidate like S. Raghbir Singh Gill, respondent No. 1 who was not even known to them. It deserves highlighting that the only two other candidates in the fray were the declared official Congress nominees.

Having noticed these fundamental factors against which the evidence in the present case has to be appraised, one might now well turn one's attention thereto. This falls into three clear categories :—

1. Direct oral testimony,
2. Expert evidence, and
3. Admitted or proved circumstantial factors.

Direct or Oral Testimony.—Pride of place must be given to the direct oral testimony on the point which stems from witnesses of status and integrity and each one of these four merits individual and detailed attention. For convenience, this may well be appraised in the sequence in which they were called to the witness-box.

(1) P. W. 13, S. Surjit Singh Barnala.—First in this context is P. W. 13 Surjit Singh Barnala, Central Cabinet Minister for Agriculture and Irrigation. He deposed that consistently for the last 25 years he had been associated with the Akali Party and had been its General Secretary for a period of nearly four years and was holding the same office at the time when the present election took place. He had been an Akali member of the Punjab Legislative Assembly for nearly a decade and had thus numerous occasions to vote for elections to the Rajya Sabha from the Constituency. Earlier he has been the Cabinet Minister for Education in the two previous Akali Ministries headed by S. Gurnam Singh and S. Parkash Singh Badal in the Punjab.

The witness stated that apart from the earlier arrests, he was finally detained under MISA on the 28th of December, 1975 and remained so confined till the 19th of February, 1977. According to him S. G. S. Tohra was the only candidate put up by the Akali Party being a sitting member of the Parliament as it was decided at the time that the persons holding the Parliamentary seats should contest the same. He deposed that at the material time he had not even known Raghbir Singh Gill, respondent No. 1, and in fact met him for the first time in the Rajya Sabha when he was later elected to the Lok Sabha in March 1977. He was then confined in the District Jail, Jullundur. He accordingly received a

postal ballot-paper there. He deposed that after taking the aforesaid ballot-paper from the Superintendent Jail, Jullundur he took it to his cell and then marked it and put it in the envelop provided for that purpose and thereafter put it in a second envelope and presented the same to the Superintendent of Jail who sealed the same in his presence and forwarded it for onward transmission.

He was categoric that he had cast only one preference vote thereon and not any second preference vote in favour of any other candidate and that his solitary preference vote was in favour of S. G. S. Tohra. Specifically his evidence with regard to his marking the ballot-paper deserves notice in extenso :—

"I have examined the ballot-paper bearing No. 115 (Ex. P. W. 14/1). When I had marked this ballot-paper, I had only drawn a straight line against the column containing the name of Shri Gurcharan Singh. I had done the marking only by drawing a straight line and not in the Roman figure. On examination of the ballot-paper now I find that this first preference of mine has been converted into a second preference in the Roman figures. There has been a further addition in this ballot-paper by marking the Roman figure 'I' against the name of S. Raghbir Singh, the returned candidate. I had made no such marking or first preference in his favour.

Note.—The witness points out that an examination of the reverse side of the postal ballot-paper is even more clearly indicative of the tampering done with it.

When I had marked this ballot-paper, I had placed my first preference mark vertically against the column of S. Gurcharan Singh."

The clear, forthright and categoric evidence of S. Surjit Singh Barnala in his examination-in-chief has been only peripherally assailed on the fringes. The witness was mainly cross-examined with regard to the existence of groupism in the Akali Party more than a decade earlier in 1967-68 when the Akali Ministry led by late Justice Gurnam Singh fell and was subsequently followed by the Ministries headed by S. Lachman Singh Gill and S. Parkash Singh Badal. Even at that P. 41 stage any discord sought to be suggested between S. Parkash Singh Badal and S. G. S. Tohra was stoutly denied by this witness. He was categoric that there was no clear cut divisive faction in the Akali Party or its legislature party at that time. In fact he pointed out that in the earlier Ministry headed by S. Parkash Singh Badal P. W. 16, S. Jagdev Singh Talwandi P. W. 14 was a Minister for Transport and this Government was also formed with the help of the Jan Sangh Party and even earlier the said party had supported the Akali Ministry. As already notice, the burden of the cross-examination directed against the witness pertained to the years 1967 to 1970 nearly 8 to 10 years prior to the election in dispute. What deserves notice in this context is the fact that in any case after the fall of the first Akali Ministry headed by S. Prakash Singh Badal in June, 1971 (when he as the Chief Minister advised the dissolution of the Vidhan Sabha to the Governor) the Akali Party had been continuously and consistently in opposition to the Congress Party in the State of Punjab. In any case from February, 1972 Giani Zail Singh had continuously headed the Congress Ministry in the Punjab and from the period preceding the emergency and its declaration on the 25th of June, 1975 a sea change came into being in the political climate wherein the Congress and the Akali Party were bitterly ranged against each other.

S. Surjit Singh Barnala categorically repelled any suggestion that S. G. S. Tohra was in any way a factional leader within the party and on the other hand was categoric that in fact he had always been a cementing force in the Akali politics. Similarly, he forthrightly controverted any suggestion that P. W. 15 S. Jaswinder Singh Brar ever had any leanings towards Giani Zail Singh the then Chief Minister. The witness contemptuously repelled any innuendo that even now he and S. Parkash Singh Badal were operating as a group against S. G. S. Tohra within the Akali Party. In fact he pointedly brought out that S. G. S. Tohra had been primarily instrumental in first taking

S. Parkash Singh Badal to the Centre and getting him inducted in the Central Cabinet in March-April, 1977 and subsequently in recalling him back again as the leader of the Party in the Punjab to head the Akali-Janta Coalition in June, 1977.

In the end the witness indignantly characterised as ridiculous any suggestion that he of all persons would have given his first preference vote to anybody else than the Akali candidate S. G. S. Tohra and stated that in fact this could neither be believed nor imagined. He deposed that he had always felt himself bound and committed to the discipline of the Akali Party to which he had belonged continuously without exception. To a Court question he stated that he had never been even approached for from being canvassed to vote for Shri Raghbir Singh Gill, whilst he was in custody and in the cross-examination on behalf of the witness stated that he had not known Shri Raghbir Singh Gill and had not even heard of him as a political figure at the time of election.

The case on behalf of respondent No. 1 was conducted by Shri Anand Swaroop Mittal, a counsel of eminence and particularly so in the field of Election Law. Significantly it was not even specifically put to his witness that what he has stated in examination in Chief with regard to casting his solitary first preference vote in favour of S. G. S. Tohra was wrong. Not even a suggestion was made that he instead had cast a second preference in favour of S. G. S. Tohra whilst putting his first preference in favour of respondent No. 1. The witness was categoric that the only first preference vote cast by him was by marking the figure one in ordinary international numerals and it was not even suggested to him that in fact he had used Roman figures for doing so. The whole case of respondent No. 1 is now rested on the basis that the original authors of the postal ballot-papers had themselves made the alterations and the overwritings therein with their own hand. Not even a hint of suggestion of this nature was put to this witness. Indeed it appears that the core of the witness's evidence regarding his marking of the ballot-papers the position was hardly put under challenge.

The overall appraisal of the testimony of S. Surjit Singh Barnala leaves one no option but to hold that the same deserves unreserved acceptance and there is perhaps no choice but to place implicit reliance thereon.

P.W. 14 S. Jagdev Singh Talwandi is the unanimously elected President of the Akali Dal. He swore to his unstinted allegiance to the Akali Party only from his birth but even almost by an inheritance by stating that even his father belonged to the same. His testimony that he became member of the Working Committee of the Akali Dal in 1960 and later the senior Vice President of the Dal is not a subject-matter of dispute. He was first elected to the Punjab Vidhan Sabha on the Akali Dal ticket in 1967 and was then the leader of the Akali Legislature party. In the mid-term General Elections of 1969 he was again re-elected to the Punjab Sabha on the Akali ticket. In the Akali Ministry which was formed thereafter, he was the Minister for development and other Departments and in the 1972 General Elections he was again elected on the Akali ticket to the Assembly. Subsequently in the Parliamentary Elections of 1977 he was elected to the Lok Sabha on the Akali ticket. On the very imposition of the emergency, he courted arrest with the first jatha on the 9th of July, 1975, and remained continuously in incarceration till the lifting of the emergency in January, 1977. At the material time, he was confined in the Central Jail, Patiala, where he received the postal ballot paper and he categorically stated that he marked a single preference vote thereon in favour of S. Gurcharan Singh Tohra who was the official Akali candidate for the seat and he did not mark any other preference on the said postal ballot paper as he did not have the least interest in any candidate other than the official Akali candidate. In fact he deposed that he had not even known S. Raghbir Singh Gill, respondent No. 1, and had not even heard his name at the time and that he met him for the first time in 1977 when he became a Member of Parliament. He was categoric that the mandate of the Akali High Command to unreservedly cast a single preference vote in favour of the official Akali candidate

S. Gurcharan Singh Tohra was conveyed to him, amongst others, by S. Gurmit Singh and S. Kirpal Singh Chakshera-wala. On the point of tampering of his postal ballot paper, Exhibit P. W. 14/1, he had this to say :—

"I have seen the ballot paper bearing serial No. 111 which is now marked as Exhibit PW 14/1. This ballot paper is certainly not in the same condition as it was when I had marked my vote thereon. I had in fact placed a vertical figure one against the column of S. G. S. Tohra. However, this has been now converted into a second preference in the Roman figure. This ballot paper further bears a first preference in the column opposite to that of S. Raghbir Singh Gill. I had cast no such first preference and this has obviously been interpolated subsequently."

As in the case of the previous witness P.W. 13 S. Surjit Singh Barnala, the cross-examination of this witness followed the same tenor in order to show some groupism in the Akali Party, in the year 1967-68 and a little later, first in connection with the fall of the first Akali Ministry headed by Justice Gurnam Singh and the later formation of the Akali Cabinet under S. Parkash Singh Badal. The rather sketchy suggestions that S. Gurcharan Singh Tohra, respondent No. 4 and S. Parkash Singh Badal did not see eye to eye with each other was categorically rejected by the witness. Apparently, taking a cue from the Court question to the last witness that nobody had either approached or canvassed him whilst in custody, the wholly puerile suggestion was thrown at this witness that one Karnail Singh had approached him in jail to canvass for respondent No. 1. It was sought to be suggested that the wife of the aforesaid Karnail Singh is the father's sister of one Bahadur Singh. P. W. 14 was categoric that he did not even know any such Bahadur Singh alluded to. He denied completely any knowledge or any suggestion of any relationship between the said Bahadur Singh, being the husband of the sister's daughter of the returned candidate. From the kind of the suggestion made and the denial rendered, it is apparent that respondent No. 1 was trying to clutch at straws in order to save his sinking stand that this witness could ever be tempted to cast a first preference for him.

Far from being able to show by cross-examination that there was any discord between S. Parkash Singh Badal on the one side and S. Gurcharan Singh Tohra on the other, it appears that in fact the two had acted in unison consistently for long in the Akali Party and the witness stated that S. Gurcharan Tohra was one of the keen sponsors of S. Parkash Singh Badal even at the time when he first headed the Akali Ministry in Punjab. Similarly, all suggestions to the witness with regard to either personally of his party ever having had any truck with the Congress Party were vehemently denied. The witness was firm that at least since 1971 onwards even within the Akali Party, there was hardly any groupism. He rejected out of hand there being any opposing camps in the Akali Dal headed by S. Parkash Singh Badal. In fact, the witness stated that he could not even visualise any member of the Akali Party ever deviating from its mandate to vote for its official candidate. No concrete suggestions was made to this witness either that in fact he had deliberately cast a first preference in favour of the returned candidate and curiously cast a second preference for respondent No. 4 or had smudged or overwritten the postal ballot paper with his own hand. A vague general suggestion was made alone that what he had deposed with regard to the marking of the ballot papers was not correct, which was vehemently controverted.

It is manifest that the cross-examination of this witness far from making any dent in his forthright and categoric stand has merely strengthened the case of the election-petitioners. The testimony of this witness has emerged with pristine purity from the proverbial crucible of a long and protracted cross-examination I have not the least hesitation in accepting the forthright and candid word of his witness on the point of his having cast his sole first preference vote in favour of respondent No. 4 and his postal ballot paper being tampered with thereafter.

(iii) S. Jaswinder Singh Brar.

S. Jaswinder Singh Brar, Cabinet Minister for Co-operation in the State of Punjab is the next witness on the point. He deposed to not merely having a long standing allegiance to the Akali Party but in fact he averred that his whole family had traditionally belonged to the same. He has been the General Secretary of the Akali Dal and was elected on the Akali ticket to the Punjab Vidhan Sabha in 1972. He courted arrest as the leader of a Jatha of Akali Satyagrahis on the 16th July, 1975 and after having remained in custody for a month and 21 days was immediately detained under MISA on his release and remained in custody throughout till the lifting of the emergency in 1977. At the material time, he was imprisoned in the Central Jail at Patiala where he received his postal ballot paper. He deposed that he was fully aware of the official candidature of S. Gurcharan Singh Tohra and the mandate of the Akali Party to vote for him. He pointed out that he was a double graduate holding a Law Degree and was emphatic that he was not even known to S. Raghbir Singh Gill, respondent No. 1, at the time of casting his vote. He was categoric that he had cast a single preference vote only in favour of respondent No. 4 S. Gurcharan Singh Tohra and did not cast any second preference for any other candidate. With regard to his postal ballot paper having been tampered, he had this to say :—

"I have examined the postal ballot paper bearing Sr. No. 114 (Exhibit PW 15/1). It is not in the same condition as it was when I had marked the same. In fact I had marked a single figure one opposite the column of S. Gurcharan Singh Tohra thereon. My first preference marking against S. Gurcharan Singh Tohra's column has now been altered into the Roman Figure II. Further, an addition has been made against the column of S. Raghbir Singh Gill with the Roman Figure I. I had make my marking in the ordinary figure 1 and not in the Roman figures."

In cross-examination, the witness stated that he was elected as a leader of the Akali Legislature Party in the Punjab Vidhan Sabha in 1972. He denied all innuendo that he had any soft corner for Giani Zail Singh, the then Congress Chief Minister in the Punjab. He was categoric that he and his family were traditionally supporters of the Akali Party and would support any candidature approved by it. He deposed that later in 1973 he became the General Secretary of the Akali Dal and denied all suggestions that he was removed from that office. A cryptic suggestion was made to him that his brother-in-law S. Inderjit Singh Sekhon had asked him to vote for respondent No. 1 but he categorically denied the said suggestion and even the allegation that the aforesaid S. Inderjit Singh was a supporter of Giani Zail Singh in 1962. The witness denied any groupism in his party and controverted the suggestion that one group was headed by S. Jagdev Singh Talwandi while the other by S. Gurcharan Singh Tohra or that he belonged to the group of S. Jagdev Singh Talwandi. It is significant that no such suggestion was even made to S. Jagdev Singh Talwandi when he was in the witness-box himself.

It appears self-evident to me that the diffused and in fact half-hearted cross-examination of this witness has not in the least detracted from the force of his direct and forthright testimony on oath. I am unable to find the least reason for suspecting the evidence of the witness in the examination-in-chief and would therefore, unreservedly accept the same.

(iv) S. Parkash Singh Badal

Last but proverbially not the least in this context is the massive testimony of S. Parkash Singh Badal, a former and the present Chief Minister of Punjab as P.W. 16. He deposed that his political association with the Akali Dal extends from the time of his forefathers and particularly from that of his grandfather. The fact of his having held important and vital offices in the Akali organization is indeed not in doubt. He deposed that he had been a member of the Executive of the Shiromani Gurdwara Parbandhak Committee and a member of the Working Committee of the Shiromani Akali Dal. Nearly two decades earlier he was elected on the Akali ticket to the Punjab Vidhan Sabha in 1957. He against won a seat in the Assembly on the same ticket in the 1969 elections and later also on the same level in the

1972 General Elections. In the year 1970-71, he was the Chief Minister of Punjab at the head of the Akali Government. Immediately on the declaration of the emergency, he was chosen to lead the first batch of five Satyagrahis to court arrest on the 9th of July, 1975, and amongst his companions were P. W. 14 S. Jagdev Singh Talwandi and S. Gurcharan Singh Tohra respondent No. 4. He remained continuously in custody for 19 months till the time when the Parliamentary elections were announced in January, 1977. He was elected to Parliament on the Akali ticket in the year 1977 and was inducted in the Central Cabinet as its representative. However, in June, 1977, he again contested for the Assembly seat in the Punjab Vidhan Sabha on an Akali ticket and having successfully won the same, he became the Chief Minister of the State in the Akali Janta coalition Ministry and continuous to hold that office.

At the material time, he was confined in the Tihar Central Jail at Delhi in March, 1976, where he received his postal ballot paper. He deposed clearly that he was more than amply aware that S. Gurcharan Singh Tohra was the official Akali candidate for the said election and in fact he had himself suggested the name of respondent No. 4 for the seat in the Rajya Sabha. He deposed to having received a clear mandate from the party that he should vote for the official Akali candidate S. Gurcharan Singh Tohra and for no other. He stated that he had marked only one first preference vote on the said postal ballot paper in favour of S. Gurcharan Singh Tohra. In fact he was categoric that he had not even known S. Raghbir Singh Gill at all at the time of the election. With regard to the tampering of his postal ballot paper, he forthrightly stated as follows :—

"This ballot paper is not in the same condition as when I had marked it. I had drawn the figure 'one' in ordinary numerals against the column of Mr. G.S. Tohra's name. I had made no other marking on the ballot paper at that time. However, I now find that the postal ballot paper P.W. 16/A has now been altered by converting the first preference into a Roman numeral indicating figure II. Apart from this, a further addition has been made opposite the column of the name of S. Raghbir Singh Gill showing it as the first preference. This marking has also been placed in the form of Roman figure. I had made any such marking."

In the cross-examination, the witness stated that he himself had made the proposal with regard to the candidature of S. Gurcharan Singh Tohra not in writing but by oral communication through his wife who used to meet him in jail whilst he was in custody. Similarly, he deposed that the mandate of the Akali Party with regard to the casting of the vote for Shri Gurcharan Singh Tohra was similarly received by him orally through visitors in the jail. The witness indignantly denied any suggestion that the statement regarding the marking of ballot paper was not true or was induced by any fear. Shri Badal denied any suggestion that there were any well defined opposing factions in the Akali Dal. Rather curiously, the burden of the cross-examination against the witness was with regard to the political situation nearly a decade earlier in 1967 when Justice Gurnam Singh headed the first Akali Ministry. The witness was sought to be confronted with the opinions recorded by Sh. D. S. Pavate, the former Governor of Punjab in his book captioned as "My Days as Governor". The witness rightly pointed out that these were matters of individual opinion expressed by Shri D. C. Pavate and the further cross-examination with regard to the opinion and assessment of Shri Pavate in the book had, therefore, to be disallowed. The witness was cross-examined with regard to an election to the Rajya Sabha 6/7 years earlier in March, 1970 when Giani Bhupinder Singh, a leader of some standing in the Akali Party, had opposed its official candidate Jathedar Santokh Singh who was consequently defeated. The witness deposed that all Akali legislators who violate the mandate of the Akali Party with regard to election were subject to disciplinary action including expulsion. The witness categorically rejected the suggestion that respondent No. 1 Raghbir Singh Gill, was the medium through which some feelers were thrown to him, by the Congress High Command, and that it was as a reward for these services that he had voted for him. The witness very candidly stated that a reward for responding to any such feeler could not possibly be his incarceration in jail for full 19 months. He categorically rejected any suggestion of ever having lent secret support to Giani Zail Singh the Congress Chief Minister. He stated that he even did not know

that respondent No. 1 was the political secretary of the Chief Minister during the years 1972-73.

On an overall appraisal of the testimony of S. Parkash Singh Badal (P.W.16) on this record, the only conclusion that seems possible to me is that it merits unreserved acceptance.

Even on an individual analysis of the evidence of the four witnesses, I have arrived at the conclusion above that each one of them is worthy of implicit reliance. However, it goes without saying that they do not stand alone and the evidence has to be viewed as a whole. When their testimony is looked at collectively, its effect appears to be obviously overwhelming. It deserves recalling that at the material time, they were detained under the Maintenance of Internal Security Act during the emergency separately in far-flung jails (except two) with little possibility of any close communication or opportunity to act in concert. I have had the advantage of seeing all four of them in the witness box and their testimony was given with such forthrightness and candour as to be truly impressive. In deed, it was respondent No. 1 and his counsel who had apparent difficulty and discomfort in assailing evidence given with such spontaneity. Even at this stage, it deserves reiteration that in the ultimate stage the stand of respondent No. 1 in the light of the testimony of his own expert witness came to be that all the four original authors had themselves overwritten tampered or even pen-painted the postal ballot papers entrusted to them for marking. It was not even suggested to P.W. 13 Sardar Surjit Singh Barnala that he had voted otherwise than in the manner he deposed to in his examination-in-chief. To none of the three witness was it even even remotely put that they had vacillatingly put a first preference in favour of respondent No. 1 and curiously a second preference in favour of respondent No. 4 and in the bargain had overwritten, tampered or pen-painted the markings on the ballot papers. To expect such conduct from seasoned legislators who had been through the mill of innumerable Rajya Sabha elections, on the face of it, seems farcical.

In the ultimate analysis of the oral testimony of all these four witnesses, individually and collectively, one is inevitably reminded of the observations of their lordships made in a relatively more stringent field, namely, that of the criminal law. Sinha, J. speaking for the Court in Vadivelu Thevar V. State of Madras, A.I.R. 1957 S.C. 614, observed.

"Hence, in our opinion, it is a sound and well-established rule of law that the Court is concerned with the quality and not with the quantity of the evidence necessary for proving or disproving a fact. Generally speaking, oral testimony in this context may be classified into three categories, namely :

1. Wholly reliable.
2. Wholly unreliable.
3. Neither wholly reliable nor wholly unreliable.

In the first category of proof, the court should have no difficulty in coming to its conclusion either way, it may convict or may acquit on the testimony of a single witness, if it is found to be above reproach or suspicion of interestedness, incompetence or subornation."

Undoubtedly, the evidence of these four witnesses, falls clearly within the first category, namely, that of wholly reliable witnesses. Therefore, this testimony standing together in itself is sufficient to sustain the case of the election-petitioners under issues Nos. 2 and 3.

Coming now to the evidence led on behalf of respondent No. 1 the most glaring thing which meets the eye at the very threshold is the significant fact that he has not chosen to step into the witness box himself. As is evident from the pleadings and more so from the evidence, which was led in the case the gravest charges were raised against him and his electoral fortunes were put under specific challenge. His status and credentials to contest the present election were put in issue and the clearest averment made on behalf of the election petitioners was that he was the hand-picked candidate of Giani Zail Singh and the Congress sponsored independent to dislodge the Akali representation in the Rajya Sabha from the Punjab Vidhan Sabha constituency. It was specifically alleged that this respondent in conspiracy with P.W. 1 Shri Partap Singh and a number of other persons so named surreptitiously got four of the postal ballot papers

tampered in his favour, which not only advanced his electoral interest but in fact he succeeded on the basis thereof. The allegation of political obscurity of respondent No. 1 and he being a protege of the then Congress Chief Minister Giani Zail Singh was laid at his door. Many of these factors were directly within the personal knowledge of respondent No. 1 and it appeared to be his elementary duty to forthrightly controvert these on oath in the witness box. Nevertheless, though present on innumerable occasions in the Court during the protracted trial of this election petition, respondent No. 1 has shied away from the witness box designedly. No adequate explanation at all appeared for this and the learned counsel for respondent No. 1 in a rather half-hearted manner attempted to justify this evasive attitude and had merely contended that none of the election petitioners too had stepped into the witness box. It is significant to recall that both the election petitioners were merely voters in the election and one of them at the material time was himself confined in jail. The matters put into the Court by them were not to their personal knowledge regarding which they could depose and their testimony based on information and otherwise would obviously be hearsay. On the issue of corrupt practice, the staying away of the election-petitioners from the witness box may inevitably have some effect, which would be noticed at that stage. But herein the same does not, even in the least, justify the secretive evasion of the witness box by respondent No. 1. There seems to be perhaps no choice but to hold that respondent No. 1 had much to hide and, therefore, abstained from forthrightly and candidly stepping into the witness box, to controvert the various allegations laid at his door. An adverse inference on this score cannot possibly be avoided in view of the settled law in this context.

Apart from the holding himself back, respondent No. 1 examined R.W. 1 Shri Partap Singh, Secretary of the Punjab Vidhan Sabha and the Returning Officer for this election as also R.W. 5 Shri Dharam Singh Ojla, his Personal Assistant. The evidence of these witnesses has primary relevance on the charge of corrupt practice under issue No. 4, whereunder some reference to the same would become inevitable. The other two witnesses R.W. 2 Karnail Singh Marhari and R.W. 3 Master Jagir Singh only deserve passing mention. Indeed R.W. 2 Karnail Singh Marhari forthrightly admitted that he had withdrawn from the membership of the Akali Party immediately prior to this election. This in fact is consistent with the allegations made on behalf of the election petitioners that on the eve of the election wide-spread pressure was exerted by the Congress Chief Minister to subvert the Akali Legislature Party and to procure defections therefrom and the attempt did succeed to the extent of procuring the withdrawal from the Akali Party of R.W. 2 Karnail Singh Marhari and an equally and much more important member of the Akali Party Sardar Satnam Singh Bajwa on the election eve. In his cross-examination, this witness admitted that Sardar Gurcharan Singh Tohra had been elected to the Rajya Sabha earlier and at the time of the election was the sitting member thereof. The shifting loyalties and the political expediency of the witness seems to be admitted by him when he stated that even earlier he had withdrawn from the Akali Party and joined Shri Lachman Singh Gill in his minority government. Rather he curiously stated that it was a matter of personal will and convenience whether he would continue in a party on whose ticket he was elected. He admitted that at the time of giving evidence he was member of the Congress and that when he had left the Akali Party on the eve of the election in 1976 he had forthwith joined the Congress. It is obvious that the testimony of this witness far from advancing the case of respondent No. 1 is perhaps adverse to his interests.

Master Jagir Singh, R.W. 3, again appears to be of the same ilk as the previous witness R.W. 2 Karnail Singh Marhari. He deposed that while being earlier the Organising Secretary of the Shiromani Akali Dal, during the emergency in 1976 he withdrew therefrom and joined the Congress Party. In his examination-in-chief he alleged groupism as the cause of his defection and he made no bones about his opportunism when he stated that when he heard that some Akali Party members were thinking of defecting he thought that he should take precedence therein to gain advantage. In cross-examination, the witness could not give any precise date or time from which the alleged groupism in the party had commenced and merely said that in fact it was endemic. He conceded that in July, 1975 the top leaders of the Akali Dal had all courted arrest or were under detention, but stated that he had been meeting them in jail. He admitted that he was now a member of the

Congress (I) Party, to which Giani Zail Singh owes allegiance. He admitted that he was a member of the Assembly in 1970. He had also to admit that during the earlier Rajya Sabha contest Giani Bhupinder Singh, who contested against the official nominee was himself an important leader of the Akali Dal.

The demeanour of this witness had to be noticed and noted by me when he was in the witness box. Throughout he was taking an evasive stand in trying to avoid simple and direct questions addressed to him. Even elementary and plain questions were haltingly and suspiciously sought to be avoided. I was compelled to notice that the general demeanour of the witness in the box did not inspire confidence in his veracity. Apart from the demeanour his evidence otherwise is hardly material directly on the issue of tampering and whatever has been elicited in his cross-examination would show that little trust can be placed on his word of mouth.

Expert Evidence

Having accepted the crucial testimony of P. W. 13 Sardar Surjit Singh Barnala, P. W. 14 Sardar Jagdev Singh Talwandi, P. W. 15 Sardar Jaswinder Singh Brar and P. W. 16 Sardar Parkash Singh Badal, I have already held that collectively this testimony in itself was sufficient to sustain the case of the election petitioners under these two issues. What, however, is of significance is the fact that the aforesaid testimony does not stand alone but finds conclusive corroboration on all material particulars by the P. 59 Expert testimony brought on the record. Indeed, the present case is one of those rare ones where the evidence of the expert produced by respondent No. 1 itself in the ultimate analysis lends credence to the case of the election petitioners. Before analysing the same, the sequence in which this expert evidence has come on the record deserves passing reference. The election petitioners apparently well satisfied with the pristine quality of their oral testimony and a host of corroborating circumstantial factors, which will come for consideration in the end, did not seem to intend or visualise the production of any expert evidence with regard to the tampering of the four postal ballot papers. However, as it turns out they were apparently well advised to call in this evidence as well. Herein they have buttressed their case by the evidence of P. W. 17 Dewan K. S. Puri, who was called into examine and opine about the four disputed postal ballot papers, Exhibits P. W. 13/1, P. W. 14/1, P. W. 15/1 and P. W. 16/1. In rebuttal, respondent No. 1 similarly called in aid R.W. 4 Mrs. R. K. Vij. In appraising the expert testimony with regard to the four disputed postal ballot papers, one thing may be continuously kept in mind from the very outset. Only in one of them, i.e., Exhibit P. W. 14/1 cast by Sardar Jagdev Singh Talwandi the markings are in red, while in the remaining three disputed postal ballot papers the markings are in blue. In passing it may also be mentioned that the other four undisputed postal ballot papers are also marked in blue ink and in ordinary international numerals.

The credentials of P. W. 17 Dewan K. S. Puri as a Document Expert for the past 41 years appear to be beyond challenge and were in the fact never so assailed. Indeed, both his qualifications and experience are impressive. He deposed that he had first personally examined the originals of the four disputed postal ballot papers Exhibits P. W. 13/1, P. W. 14/1, P. W. 15/1 and P. W. 16/1. The photographs and the negatives thereto taken with the permission of the Court have been admitted on the record by the learned counsel for the parties. Therefrom this witness had made enlargements, which are Exhibits P. W. 17/5 to P. W. 17/8. On the basis of the data the witness had critically and exhaustively examined the matter on the following points :—

1. Whether in the column against 'Gurcharan Singh' 'I' has been changed into 'II' or not ?
2. Whether with the writing material used for the change, digit 'I' has been written against the name of 'Raghbir Singh' or not ?

The witness examined and compared the documents with the help of the photographs, photographic enlargements, through epidiascope from the photographs, microscopic lenses, Universal dustyloscopic outfit, Fulmer magnifiers and other necessary instruments. In his detailed report exhibit

P. W. 17/9 the witness listed the following eight reasons for coming to the conclusion that all the four ballot papers, which were originally marked as the first preference in favour of respondent No. 4 in ordinary international numerals had been tampered with and converted into a second preference in Roman figures in favour of Sardar Gurcharan Singh Tobra and an addition of first preference in Roman figures had been made therein in favour of respondent No. 1.

1. In the disputed ballot papers Exs. P. W. 13/1, Ex. P. W. 15/1 and Ex. P. W. 16/1, the portion "II" when examined under direct magnification, clearly indicates that the left side vertical line of "II" was written with blue-black ink and the upper and lower lateral lines and the right side vertical line were written with a different ink which is of violet blue type.
2. The lower column shows that the digit "I" has been written with a violet ink and not with a blue black ink.
3. In some cases, there are also over-writings and retouchings in the disputed digit "II" and sometimes the retouching and over-writing are to such an extent that the strokes assume the condition of a pen painting instead of normal pen-writing, as will be detailed in some of the following paras.
4. It is clear under direct magnification and also to a careful naked eye that the left vertical line of "II" is with one ink and the rest of the strokes forming "II" are with another ink or that the digit "I" has been made as 'II' a different writing material.
5. In the photographic chart marked as "A", the lower photograph pasted on the upper sheet has, been taken with a view to indicate the correct position of the strokes and the ink layers.

As stated above, the left vertical line has been written with blue black ink. There is no retouching or over-writing on this line showing that out of "II" this portion "was normally written and not the rest of the portion which has been written with a different writing material."

The upper and lower lateral lines and the right side vertical line have been written with a different ink and since it was not as deep as that of the left side vertical line, therefore, these strokes have been retouched and written over again and again to match with the rest of the ink of the left vertical stroke, or original "I".

The retouching and over-writing only on the right vertical stroke and the upper and lower lateral lines are clear on the photographic enlargement marked "A".

As examined under direct magnification the figure "I" has been written with violet blue ink of the type with which the right vertical stroke and the lateral lines of digit "II" were written.

6. In the photographic chart marked as "C", it is clear that there is no marked retouching in the digit "II". It is further clear that the left vertical line is deeper and is with a blue black ink (as seen under direct magnification) and the rest of the lines, right vertical line and the lateral lines are comparatively light in the photograph being with violet blue ink (as seen under direct magnification).

Obviously, the photography depicts black and white. The blue black ink being more black or deep than the violet blue ink therefore, the camera eye also detected the difference in the colour or depth of the strokes of "II".

In the photograph at chart "C" it is clear that the left vertical line was with a deeper ink and broader 'nib' than the rest of the strokes of digit "II".

In the digit "I" the strokes (as seen under direct magnification) are entirely with violet ink and not with blue-black ink. However, there is an over-writing in the vertical stroke

but even then the depth and the colour could not match with the left side "I" of "II" as can be seen in the photo chart "C".

7. As stated above, the direct magnification indicated that the left side vertical stroke as "/" was written with a blue-black ink while the rest of the strokes of the digit "II" have been written with a violet blue ink as "II".

It has been further noted that the left side vertical stroke of the digit "II" is with broader 'nib' than the rest of the strokes. It is also clear on the photographic chart marked "D".

8. In the ballot paper Ex. P. W. 14/1, these digits are in red colour. Both the digits II and I have been over written again and again thereby making the stroke more like pen-painting instead of pen-writing.

It appears that in the digit "II" the left vertical stroke was written first in a deeper colour and then rest of the strokes of digit "II" have been added and were comparatively light.

It is further clear that where there is no over-writing and the strokes are uncovered in the upper lateral lines, the strokes are comparatively light.

It appears that to cover this difference, the entire digit "II" was over-written again and again and thereby making it all the more suspicious.

If the above is true as it seems, then the digit "I" was in lighter colour and was also over-written to make it matching with the above or as such clumsy.

After considering the above characteristics, he gave the following opinion :—

1. The digit 'II' against 'Gurcharan Singh' was 'I' and changed into "II" with a different writing material in the ballot papers Ex. P. W. 3/1, Ex. P. W. 15/1 and Ex. P. W. 16/1, as there is difference in the writing material, as detailed above.

In Ex. P. W. 14/1, there also appears to be a change and at least the tampering with and the formation of present digit 'II' is very suspicious indeed. It appears that digit 'I' has been changed into 'II'.

2. In the ballot papers, Exs. P. W. 13/1, P. W. 15/1, and P. W. 16/1, the digit 'I' against 'Raghbir Singh' has been written in each ballot paper with the writing material of the type which was used for the right vertical line and the upper and lower lateral lines for changing digit 'I' into 'II' in the column against "Gurcharan Singh".

In the digit 'I' against 'Raghbir Singh' there is over-writing to indicate the covering to match with the digit 'II' against "Gurcharan Singh".

The cross-examination of the witness though conducted with the aid of the respondent's expert, far from in any way belying his stand, has only strengthened the same. The witness pointed out that blue black ink and violet blue ink were distinct and apart though either one of them may have variations in shade themselves. The witness pointed out that a forger while overwriting or tampering with the material would do his best to conceal it, but in his zeal to do so he may do so over and over again, which might in fact make it more suspicious. That result also follows where the forgery is a crude attempt though the intention may not be so. The witness was categorical in repelling any suggestion that in all the four postal ballot papers, the ink used has been the same. He further repelled the suggestion that the difference in shade in each individual postal ballot paper may be due to the same ink. The witness was sure that the tampering with in the four postal ballot papers was fraudulent for the purpose of converting the first preference into the second preference.

Before finally appraising the aforesaid testimony, reference may inevitably be made to the evidence of R.W. 4 Mrs. R. K. Vij, hand-writing and document expert, examined

on behalf of respondent No. 1. She had also prepared enlargements from the negatives of the photographs of the disputed postal ballot papers taken with the permission of the Court and on the basis of the available data, rendered her detailed report Exhibit R.W. 4/1.

Now the significant and the glaring thing that here meets the eye at the very outset is the admitted stand of this witness as well that Exhibit-P.W. 13/1, P.W. 14/1 and P.W. 15/1 are certainly over-written and altered, not merely simply, but so done at places with different ink and pen. According to her, only Exhibit-P.W. 16/A does not show any sign of overwriting therein. Having said as much, the rather curious opinion rendered by the witness is that the aforesaid altering and overwriting, and if I may say so the obvious tampering with pen and ink, has been done by the original hand and in the natural form. Indeed the whole stand on her part is that atleast in three of these ballot papers alteration and overwriting in different pen and ink is so obvious as to suggest that no attempt was made to hide or effectively conceal the forgery. In terms the opinion is that because the forgery is patent the same must have been done naturally by the original writer and in the original form.

A part from the inherent impossibility of this view, the witness appears to have been effectively belied by the cross-examination directed against her. With regard to Exhibit-P.W. 16/A which according to her bore no overwriting or alteration, she admitted that the left stroke of the digit 'II' is heavier and broader than the second down stroke, but it may be attributed to a difference of the angle of the point of the nib in the two strokes. She further admitted that it was true that different persons would have different angle of the nib while writing. She said that according to her it was possible that the angle of the pen may be different while the writing is done by the same person at the same time in the same digit even. It was specifically put to her that the second down stroke and the two lateral strokes of this digit are with violet ink, though she denied and stated that all these were in blue ink. She admitted that the first down stroke herein was shorter than the second down stroke, but sought to deny that there was any retouching of the first down stroke at the top. It was then admitted that digit 'I' in the column below was less broad than the first vertical stroke of digit 'II'. While admitting these curious variations she attributed these differences to the angle of the nib. Further it was admitted that the width shown in the first vertical stroke of the digit 'II' had not been repeated in any of the other strokes.

She had to concede that she had not given the details of any writing characteristics of the strokes in order to opine that they were written by the same person. To a pointed question whether it was possible to find out the writing characteristics of a writer from a single vertical line so as to compare it with the other, she conceded that only by examining two vertical lines it would not be possible to compare the authorship of each. Nevertheless a belated suggestion was made that she had given her opinion on the basis of other relevant factors without specifying a single one thereof. She even conceded that she had not examined the stroke in Exhibit-P.W. 16/A in the different digits with a view to examine the writing characteristics of the scribe. Consequently she conceded that on the basis of writing characteristics alone one cannot say about the identity or otherwise of its author. It was also admitted that it was not possible to draw any opinion on either side about the authorship of two vertical downward strokes merely on the basis of writing characteristics. It was finally put to her that the left vertical down stroke of digit 'II' is written with a different ink and broader pen than the rest of the writing in Exhibit-P.W. 16/A.

It appears to me that in the light of the cross-examination of this witness, viewed further against the testimony of Dewan K. S. Puri, P.W. 17, with regard to Exhibit-P.W. 16/A her opinion that only this postal ballot paper has not been over-written or altered does not appear to be correct and, therefore, cannot be accepted.

Significantly with regard to Exhibit-P.W. 15/1 Mrs. R. K. Vij, R. W. 4, admitted that the ink used in the left vertical downward stroke of the digit 'II' is different from that used in the other stroke of this digit as also for digit 'I' in the lower column. She had further to concede that the digit 'I' below and the rest of the stroke of digit 'II' are in one ink barring the left vertical downward stroke. Later she conceded that she had not examined Exhibit-P.W. 15/1 with any presumption but with an open mind, nor did she examine from the point of view whether the first downward stroke of digit 'II' was by the same author.

With regard to Exhibit P.W. 14/1, which is marked in red the witness conceded that the first downward stroke of digit 'II' is twice written, one with the red pencil and the other written with red ball point pen. She admitted that there is overwriting in the digit 'II' in this postal ballot paper and also in digit 'I' below as well. She conceded that the forgery is detected from the omissions and commissions of the forger. She could not say whether the red pencil stroke was originally there and the other strokes were added later. Nor did she care to opine about the sequence of the various strokes in this ballot paper. However, she conceded that the strokes of digit 'II' had been written over and over again. It was specifically put to her that this writing over and over again had been done with the intention of matching with the first vertical stroke which was over-written. But she admitted that first vertical stroke of digit 'II' had been twice written.

With regard to Exhibit-P.W. 13/1 the witness conceded that the ink used for the left downward stroke of digit 'II' is different from the ink used for the rest of the strokes and digit 'II' as well as digit 'I'. She admitted that the ink spread on the right side of the second vertical stroke was of violet colour and also that the second downward stroke of the digit 'II' is itself of violet colour of which this ink was spread. She had to admit that the first vertical stroke has been written with a different ink material being the blue-black colour. She admitted that there was retouching of the lower lateral line of digit 'II' and also that there is retouching of the upper lateral line of digit 'II'. She had to concede that atleast sometimes, if not always, the downfall of the forger is that she does not understand the difference in the shade of the inks. She went to the length of saying that the difference in the shade of the inks in this ballot paper was even visible to the naked eye. Again she conceded that digit 'I' in the lower column has been written with the same writing material with which the part of digit 'II' was written barring the left vertical stroke.

Now the significant thing that emerges even from the testimony of R. W. 4 Mrs. R. K. Vij, the expert examined by the respondent himself, is that on her own showing Exhibits-P.W. 13/1, P.W. 14/1 and P.W. 15/1 clearly bear the imprint of overwriting, altering and virtually tampering with the markings made thereon. It has been virtually conceded that the first vertical stroke of digit 'II' in these three ballot papers is in a different ink and with a different writing instrument than the rest of the writings on these postal ballot papers. While in Exhibit-P.W. 14/1 the sharp distinction of a red pencil and a red ball point pen is admitted with regard to the other two, it does not seem to be in dispute that while the first vertical stroke of the figure 'II' is in blue-black ink, the rest of the alterations made herein are in violet blue ink and with a different writing instrument.

In face of these overwhelming incriminating factors the rather curious and the only stand of this witness is that all these over-writings, alterations and tampering with a different ink, writing material and writing instruments in at least three disputed ballot papers have been done by the original authors themselves. On this point she seems to have been totally floored by her own admission that from a single vertical line or even with two vertical lines it would not be possible to infer any writing characteristics of the scribe and, therefore, compare and opine about the authorship of other strokes of the writing. It needs no expert knowledge to hold that from a single letter 'I' of international numerals written by a person no writing characteristics of the scribe could possibly be deduced to arrive at an opinion that another writing is of the same author. Therefore, it appears

to be plain that the curious opinion of the witness that on the basis of a single or two vertical lines she could opine about its author is plainly unacceptable. Her stand about the alterations, overwriting and tampering in these ballot papers by the same author is, therefore, utterly conjectural and sustainable on no factual basis.

To assail the authenticity and the competence of the opinion rendered by R.W. 4 Mrs. R. K. Vijh, reliance has been placed on *Pritpal Kaur v. Iqbal Singh and others*, probate case No. 2 of 1973. Therein also Mrs. R. K. Vijh was ranged against P.W. 17 Dewan K. S. Puri in connection with the identity of the signatures on a disputed will with the admitted signatures. Therein also she had opined that the author of the signatures on the disputed will and the admitted signatures was the same. The evidence of this witness was rejected by the learned Single Judge and the opinion of Dewan K. S. Puri to the contrary was accepted. Indeed, there is an observation in the judgement that even to the naked eye the disputed signatures do not appear to be of the same person as that of the admitted signatures and despite the expert opinion rendered by Mrs. R. K. Vijh. The aforesaid findings of the learned Single Judge were affirmed by the Letters Patent Bench in L. P. A. No. 2 of 1973 decided on August 22, 1975.

The larger rationale for the unacceptable opinion rendered by Mrs. R. K. Vijh appears to be that the tampering with or forgery in the four ballot papers is so obvious that no attempt has been apparently made by the forger to hide the same and from this it is sought to be inferred that this must be by the original author himself. This line of reasoning cannot stand close scrutiny for a moment. This would seem to say that any imperfect forgery is not to be deemed forgery but as an alteration by the original author himself. Again, Mrs. Vijh does not seem to be fully conscious of the context in which the tampering with the ballot papers in the present case has been done. The evidence is that some of these ballot papers had come in his office and later gone to the custody of the Returning Officer quite close to the time of the counting. The forger or the tamperor hence had not all the time at his disposal to resort to a perfect forgery and in surreptitious quick and secret tampering there with the traces of the crime left their imprint on the disputed ballot papers. It may also be noticed that the forger might well have presumed that there was little chance for the detection of the forgery. He knew that he was altering the postal ballot papers in a secret ballot which were to be momentarily looked at and counted by the Returning Officer in the presence of the counting Agents. The electoral process does not permit any close or microscopic inspection of each ballot paper by the parties or their agents and, therefore, the chances of detection were indeed marginal. The forger would be equally aware that the secrecy of the ballot is the rule and it is not always easy to pierce the veil of that secrecy. Consequently he may have had neither the time nor the inclination to execute the perfect undetectable forgery. It is to be highlighted that it was with the greatest difficulty that the election petitioner in the present case crossed the hurdle of securing an inspection of the ballot papers which has led to the exposure of the forgery to the light of the day. Nor can the fact be denied that the incident took place during the emergency and at a time when by and large the whole of the Akali leaders were either under detention or in a state of disarray and the tamperor might well have presumed their inability to come up and expose the tampering in the last resort. In any case the tamperor could hope to have the immediate advantage of securing the election in favour of respondent No. 1, on the basis of the alterations whatever might be the result of subsequent proceedings. All these reasons militate so heavily against the conjectural opinion of R.W. 4 Mrs. R. K. Vijh as to render it wholly unacceptable.

For the aforesaid reasons I would accept the testimony of P.W. 17 Dewan K. S. Puri, expert, produced by the election petitioners. Once that is so, this evidence would afford material and, if I may say so, almost conclusive corroboration to the election petitioners' case. It deserves recalling that at the stage of filing the petition the allegations were made without even a close or minute scrutiny of the four tampered ballot papers which were noticed only in the quick

process of counting the same. However, the election petitioners were specific that only single preference marking in ordinary international numerals cast by the four Akali leaders in favour of respondent No. 4, Sardar Gurcharan Singh Tohra, had been converted in Roman figures to a second preference and an addition in the same style of the first preference in favour of respondent No. 1. The election petitioners succeeded first in their claim of the inspection of the ballot papers, which curiously shows that out of the eight postal ballot papers only these four were having markings in Roman numerals and only four disputed ballot papers carried both first and second preferences. The expert testimony now bears out the stand that the subsequent overwriting in all these four ballot papers has been done with a different colour of ink or writing material and also with a different writing instrument. Even more significantly it shows that in three of them while the original marking of international numeral '1' is in blue black ink the further addition in three of them is in a different ink, namely, of violet blue colour. To conclude with this aspect of the expert testimony, the finding is that it completely, if not conclusively, bears out the case set up by the election petitioners.

Circumstantial Evidence

Having noticed above that the direct oral testimony and the expert evidence in the case seems to fit in as a glove, it remains to advert to a host of circumstantial factors, which appears to be equally corroborative of the election petitioners' case. The clear cut case pleaded on their behalf is that at the material time 7 of the Akali legislators and the lone Jan Sangh member Dr. Baldev Parkash, were under preventive detention. While the 7 Akali legislators were clearly under a mandate to cast nothing else but a single preference in favour of Sardar Gurcharan Singh Tohra, the official Akali nominee, Dr. Baldev Parkash is alleged to be equally committed to support the Akali nominee as against the official Congress nominees and the Congress inspired nominee Sardar Raghbir Singh Gill, respondent No. 1. There is no manner of doubt that the preference in the 8 postal ballot papers were crucial to the issue of election. Leaving out the four disputed postal ballot papers apart, the first significant thing that meets the eye is that the other four ballot papers, the counterfoils whereof are Exhibit P.W. 4/2, P.W. 4/7, P.W. 4/8 and P.W. 4/9, without exception do not bear any second preference in favour of any other candidate. They bear a single first preference marking thereon, as alleged in the evidence of the witnesses. This is in sharp contrast to the four disputed postal ballot papers, which each now curiously contain a tampered first preference in favour of respondent No. 1, as also a second preference in favour of Sardar Gurcharan Singh Tohra respondent No. 4. Again in the aforesaid four undisputed postal ballot papers, the marking of the single first preference vote without exception is in favour of respondent No. 4, Sardar Gurcharan Singh Tohra and no other. Yet again, the case led was that the markings on the postal ballot papers were made in ordinary international numerals. In all these four undisputed ballot papers, the single preference marking is by drawing a vertical line to indicate the figure '1' in ordinary international numbers opposite the column of Sardar Gurcharan Singh Tohra. This is in sharp contrast to the four disputed postal ballot papers, in which alone the marking rather curiously happens to be uniformly in Roman figures and not in ordinary international numerals.

It is best, even at the initial stage, to advert to this rather curious use of Roman numerals in the four disputed ballot papers alone. The categoric oral testimony already accepted is that the ordinary international numeral '1' was used by the four voters for marking their single first preference in favour of respondent No. 4, Sardar Gurcharan Singh Tohra, by drawing a vertical line opposite the column of his name. In this context, the use of Roman numerals is obvious and elementary for the forger, who wished to tamper with the same and nullify it. To completely erase of this ink marking would have obviously shown to glaring a tampering therewith. Similarly the figure '1' in the Indian international numerals when altered to figure '2' in the same form would equally show a plain alteration,

overwriting and tampering there with. On the other hand, it was easier, simpler and safer for an intelligent forger to convert the Indian international numeral '1' by adding another vertical line parallel to it and putting two lateral lines on the top thereby converting the international numeral '1' into 'II' in Roman numeral. To match the same numeral a similar first preference in Roman numerals could be placed against the name of respondent No. 1. The law permits the use of both international and the Roman numerals for marking on the postal ballot papers. It is, therefore, that the easier and the plain device of tampering with the ordinary international numeral '1' by converting it into a Roman Digit 'II' and by adding a first preference has been consistently resorted to by the forger not in one but in all the four disputed ballot papers and in sharp contrast to the undisputed ones.

This indeed is not in doubt that all the four disputed postal ballot papers were marked by the four detenus either in their cells or in the jail precincts and thereafter entrusted for onward transmission to the Superintendents of the respective jails. Now obviously the forger and the tamperor could not have the same writing instrument which the four original authors of these postal ballot papers had respectively when they marked their first preference on these ballot papers in ordinary international numerals. The alteration and overwriting made by the forger, therefore, had inevitably to be with a different writing instrument. That is the reason why in all the four ballot papers two writing instruments appear, one of the original author with which the single first preference marking in ordinary international numerals was made and the rest of the writing with the writing instrument or the pen used by the forger to alter the same and to make further additions therein.

Equally plain it is that apart from the writing instrument the same or identical writing ink or material which had been used by the four different authors in the Tihar, Patiala and Jullundur jails could not possibly be available to the forger for making necessary alterations. Inevitably, therefore, when he made the alteration it is in a writing ink on writing material, which is clearly and plainly different from the original. As was said by one of the experts, the fall of the forger sometimes arises from his inability to perceive clearly the difference between the nice shades and variety of the writing ink. A gravely tell-tale circumstance in this context, therefore, is that the second ink used in making the alterations in three of the four disputed ballot papers is of violet-blue colour in sharp distinction to the ordinary blue-black ink used by the original authors. Later, this fact may have to be highlighted again. Curiously, this change was made in violet blue-ink and if as alleged on behalf of respondent No. 1 these changes were made by the original authors themselves, they could not possibly have had the same violet blue ink to make alterations therein at different times and places like the jails at Tihar, Patiala and Jullundur. The fourth ballot paper Exhibit-P.W. 14/1 is marked in red. The forger had, therefore, to use a different instrument and a different writing material for its alteration. Obviously unable to foresee the later expert testimony, which has come in this case, the tampering done by the forger is even more glaring in this ballot paper. While one part of it is admittedly in red pencil, the other is definitely with a red ball point pen and both the experts are consistent that different writing instrument and writing material has been used therefor.

Now the sole hypothesis, on which the aforesaid gravely incriminating and incongruous circumstances are sought to be explained is this that all these changes, overwriting, alterations and tamperings in the four disputed ballot papers were done by the original authors themselves. When critically examined, this stand appears not only wholly untenable but one is tempted to say as virtually impossible.

In appraising this stand or defence on behalf of respondent No. 1 it deserves recalling that at the material time the our Akali legislators were closely confined under preventive detention since long in far-flung jails and there is nothing what-so-ever on the record to show and not even a suggestion has been made that these persons had the least opportunity of common communication or the inclination to act in nefarious concert in order to betray the political party they belonged to for decades or to sabotage the candidature of a trusted colleague, who was the lone official representative of the same party.

In an earlier part of the judgement, I have already adverted to the improbability, if not the impossibility, of such a stand. It is the admitted position that Sardar Parkash Singh Badal was confined in Tihar Central Jail, Sardar Surjit Singh Barnala was imprisoned in Jullundur jail and the other two Sardar Jaswinder Singh Brar and Sardar Jagdev Singh Tawandi being confined in Patiala jail.

Assuming for arguments sake the extreme position of respondent No. 1, that all the four Akali legislators had decided to betray their party and their colleague and judging the case from that stand would again show that the circumstantial factors herein give the lie direct to any such possibility. If in the last extremety all four of them had decided to betray and sabotage the candidature of Sardar Gurcharan Singh Tohra, then why this absurdity and incongruity of marking a second preference in favour of the same candidate, who according to respondent No. 1, they wished to be defeated? If they had such a great animosity that they would jettison the cause of respondent No. 4 personally and politically violate the mandate on their party, and deny him the first preference vote, then why on earth would all the four confined separately think of casting a measly second preference vote in his favour as well. In each of these contexts the issue arises that how on earth is it possible that four persons confined at three different places would have acted in identically incongruous and improper modes in this regard. How is it consistent that each one of them individually after such gross betrayal, would nevertheless choose to put in a second preference in favour of the very same persons, whom they wished to be defeated and humiliated and in the bargain to boost the prestige of the ruling party, which had detailed them. It deserves repetition and recalling that on the admitted facts only one more person could possibly have been elected to the Rajya Sabha from the Punjab Vidhan Sabha constituency apart from the two official Congress candidates. Even when pointedly asked to explain this unexplainable situation, Shri A. S. Mittal had the candour to say that on this point he had no explanation to offer.

Yet again, on the hypothesis that all these four persons had decided to betray their party and their colleague by casting the first preference to the returned candidate and curiously give a second preference for respondent No. 4, then why this vacillation, alteration, overwriting and tampering by all the four leaders in not one but in each one of the four disputed ballot papers? It is not in dispute that all the four Akali leaders were by that time seasoned legislators who have had not one but innumerable opportunities of voting from this very constituency earlier, for the Rajya Sabha seat and in any case for so many other elective offices. To accept that like illiterate yokels they were overwriting, altering and tampering with their first and second preferences with their own hands and indeed, as the expert says, pen painting the ballot papers, appears on the face of it to be both false and fancied. Herein again Mr. A. S. Mittal was fair enough to say that he had no answer or explanation to offer.

Proceeding further on the same assumption it may then be noticed that the four voters made their markings on these postal ballot papers at different times and places with whatever writing material was available or provided to them as detenus in the jail premises. Now by and large on the evidence of both the expert witnesses it is the case that each of these ballot papers evidences the use of different writing instruments and different writing materials or inks.

Assuming that each of the original voters who minded, after having placed his original preference, to change the same, why on earth should he think of finding another pen or writing instrument for doing so? Having done that why did he choose an altogether different ink for making the altogether different ink for making the alteration in the ballot paper and make it suspicious? How indeed could it be that in each one of the three ballot papers the second ink is of violet blue colour and different in shade and identity from the blue-black ink originally used for making the vertical first stroke in the Roman digit 'II' placed opposite the name of Sardar Gurcharan Singh Tohra after tampering. How on earth would it be possible that such an extreme coincidence could take place that in all the three ballot papers the original votes would choose a different ink in Tihar, Patiala and Jullundur jails for making the alteration and this could be violet ink for all three, on different dates and times for making the alteration? Similarly one has to take into consideration the fourth ballot paper marked Exhibit—P.W. 14/1.

Here again, two distinct writing instruments and writing materials are plain, one being a red pencil and the other a red ball point pen. Both the experts are unanimous on that score. Does it stand to reason that the author of this ballot paper Sardar Jagdev Singh Talwandi, a seasoned legislator, first marked a preference thereon with one instrument and having thought of making a change therein he significantly took up another writing instrument and also used a different writing material. Thereafter he made that change not plainly but by overwriting and tampering with the original in such a manner that the experts have both consistently termed it as pen-painting.

Yet again, the curiously uniform use of Roman figures in the markings in these four disputed postal respondent ballot papers alone deserves particular highlighting. While the other four are consistently and uniformly marked in Indian International numerals bearing a single preference vote therein, these alone have been so marked in Roman numerals and carry a twin preference. The categoric evidence of the four witnesses is that they marked their solitary first preference in Indian International numerals and not in Roman numerals. Why is it that these four disputed ballot papers alone bear Roman numerals? How was it that these four voters by a curious coincidence, confined in the Tihar, Patiala and Jullundur jails by a telepathic communication of mind chose to use Roman numerals only for their marking without exception and in sharp contrast to the other four. When all the aforesaid host of circumstantial factors are viewed together there appears to be no escape from the conclusion that the overwriting altering and tampering with the four disputed ballot papers has been made later by a person or persons after they had left the custody of their original authors. The fundamental imprint of a common forgery an all these four ballot papers is writ large on the face of it. In deed, the chain of circumstantial factors noticed above alone leads to no other hypothesis except of a blatant and designed tampering with the four disputed postal ballot papers.

To conclude herein the light of the fundamental factors noticed in the earlier part of this judgment, and in view of the unimpeachable direct oral testimony coupled with the expert evidence to be held that the election-petitioners have been and unerring circumstantial factors, it has able to conclusively establish the case, which they had set out to prove under the heads of issue Nos. 2 and 3. Before arriving at the final finding on these two issues it is perhaps fair to make a passing reference to some hyper-technical objections and finical arguments raised on behalf of respondent No. 1, despite the factual findings arrived at above. The learned counsel had contended though half-heartedly that even if it be established that the four disputed ballot papers were forged and tampered with and the original first preference votes cast in favour of respondent No. 4 had been fraudulently converted into second preferences and incriminating additions of first preference in favour of respondent No. 1 had been made, nevertheless the wrong could not now be righted and the election of respondent No. 1 could not be set aside. I am wholly unable to agree with such a contention which with respect appears to be frivous. But nevertheless the compliment of a rational refutation may be extended to it on the basis of the statutory provisions itself. A reference may first be made to sections-100 (1) (d) (iii) and (iv), which are obviously attracted to the case, for facility of reference, these may be first set down :—

"100 (1) Subject to the provisions of sub-section

(2) if the High Court is of opinion—

x x

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

x x

(ii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or

(iv) by any non-compliance with the provisions of the Constitution or of this Act or any rules or orders made under this Act, the High Court shall declare the election of the returned candidate to be void".

of patent relevance is also Rule-27 (3) of the Conduct of Election Rules, 1961, which enjoins in mandatory terms that the Returning Officer shall keep in safe custody until the

commencement of the counting of votes all covers containing postal ballot papers received by him.

No on the factual finding it is plain that here in the basic rule of safe custody of the aforesaid ballot papers has not merely suffered by non-compliance but in fact there has been a blatant and offensive violation thereof. It is only by the infraction of the said safeguard that the postal ballot papers have been tampered with and the will and the intention of the voter twisted deliberately. On the factual findings of blatant tampering in the case, therefore, the provisions of section 100 (1) (d) (iv) are clearly attracted that a technical or legalistic view of this provision is to be avoided is manifest from the observations in Durga Shankar Mehta v. Tabakur Raghuraj Singh A. I. R. 1954 Supreme Court 520 relying upon which their lordships in the recent case of Mohinder Singh Gill v. Chief Election Commissioner 1978 (1) Supreme Court cases 405, held as follows :—

"It falls within Section 100 (1) (d) (iv). A generous, purpose-oriented, literally informed statutory interpretation spreads the wings of 'non-compliance' wide enough, to bring in all contraventions, excesses, breaches and subversions."

Again, once the factual finding is arrived at that the voters of the four disputed ballot papers had cast a single preference vote in favour of respondent No. 4, then it is plain that if the said four postal ballot papers were received in favour of respondent No. 1 because of the criminal tampering therewith the case would come clearly within the 'improper reception' of the said vote. The counting of these four disputed ballot papers as first preference votes in favour of respondent No. 1, would, therefore, be obviously hit by section 100 (1) (d) (iii).

In the light of the aforesaid factual and legal position, issue No. 2 is decided in favour of the election petitioners. It is held thereunder that the four disputed ballot papers were unauthorisedly tampered with after the four voters had marked their single first preference votes in favour of the respondent No. 4 and these were subsequently converted into first preference in favour of respondent No. 1 and second preference in favour of respondent No. 4. This has plainly and admittedly materially affected the result of the election so far as it concerns the returned candidate. The mischief is clearly within section 100(1)(d)(iv) and the necessary result, therefore, is that the election of the returned candidate Sardar Raghbir Singh Gill, respondent No. 1 is hereby declared void.

Issue No. 3 on the aforesaid findings, has again to be decided entirely in favour of the election petitioners. The four disputed ballot papers were wrongly and improperly received in favour of the returned candidate Sardar Raghbir Singh Gill as first preference votes. The inevitable effect of that is that respondent No. 1 was wrongly declared election to the Rajya Sabha. It is obvious that the result of the election so far as the returned candidate is concerned has been materially affected by this infraction of section 100(1)(d)(iii). If in accordance with the clearly marked original intention of the four voters the disputed postal ballot papers were to be correctly counted in favour of respondent No. 4, he would have straight away secured more than the ascertained quota of votes and would be entitled to be declared elected. In that ventuality, no question of any second preference votes would arise. Consequently the inevitable effect of this is that there has been a clear violation of section 100(1)(d)(iii) and the election of the returned candidate is, therefore, void on this ground as well.

Issue No. 5

Though wide-ranging allegations, casting a net indeed wide, were made in the election petition, even at the stage of the framing of issues the learned counsel for the election petitioners had conceded that the only triable issue, which could arise was confined to respondent No. 1 having obtained the assistance of the Returning Officer of the election (a Gazzeted Officer) for the furtherance of the prospects of his election.

The material part of section 123(7) of the Representation of People Act is in the following terms :—

"123. The following shall be deemed to be corrupt practices for the purposes of this Act :—

X X

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election from any person in the service of the Government and belonging to any of the following classes, namely :—

(a) gazetted officer ; x x"

It is plain from a bare reading of the aforesaid provisions that stringent conditions have to be satisfied before respondent No. 1 can be brought within the ambit of the 'corrupt practice' aforesaid. The misconduct alleged must be by the candidate himself or his agent or with his express consent. Now the significant thing herein is that neither of the two election petitioners have chosen to step into the witness box in support of the allegations, which they levelled against respondent No. 1 for procuring the assistance of Sardar Partap Singh, the Returning Officer of the election. The allegations made in the election petition in this regard were obviously denied and controverted on behalf of respondent No. 1. The election petitioners apart from not themselves stepping into the witness box have called in no evidence directly implicating the Returning Officer or respondent No. 1 for the established tampering with the four disputed ballot papers. Even in the election itself it was candidly conceded on their behalf that they could not precisely and in detail lay down the mode and manner in which this tampering has been done and by which particular hand, though wide-ranging suspicions were attributed.

On the other hand, respondent No. 1, put into the witness box R. W. 1 Sardar Partap Singh, Secretary, Punjab Vidhan Sabha, who was the Returning Officer for this biennial election. He deposed that 7 of the postal ballot papers were received by him through registered post from the respective superintendents of jails, while Superintendent of Jail, Nabha, sent one postal ballot paper through a special messenger. The witness stated that the aforesaid ballot papers were received in large envelopes bearing seals, but he could not recall what scale they bore. He produced the aforesaid envelopes and further deposed that the postal ballot papers were originally received by the Personal Assistant Shri Dharam Singh Ojha, who later entrusted them to him and he kept them in safe-custody in an almirah in his room, the key of which remained with him. In his cross-examination it was put to him that in the course of counting Shri M. S. Khaira, Advocate, had openly expressed his surprise over the four of the postal ballot papers being marked in the unusual manner. The witness was confronted with the four disputed ballot papers, but stated that in this opinion there was no overwriting or unusual feature mark thereon, despite the consistent expert testimony on the point. He, however, conceded that on the remaining four postal ballot papers the manner of marking was different from that on the four disputed ballot papers and he had noticed the dissimilarity between the markings at the time of counting. Nevertheless he denied that Shri M. S. Khaira had expressed his surprise to him on this very dissimilarity.

The witness stated that he was appointed in his present post in an officiating capacity on October 1, 1974, and remained on probation for a period of 1½ years and was confirmed after the election in the month of June, 1976, while in May, 1976 his period of probation was extended retrospectively with effect from December, 1975. He admitted that the normal period of probation in his case was one year only, which had ended in December, 1975. In fact he conceded that at the material time of the election though his normal period of probation had expired he had neither been confirmed nor the period of probation extended. He conceded that his confirmation was to take place only on the recommendation of the Speaker, but he could not give the date and month when the Speaker recommended his case

for confirmation. The witness denied knowledge about the Speaker having made any adverse report regarding his work and conduct and admitted that the final decision for confirmation or reversion to the original post lay with the Chief Minister. He stated that he had made no representation to the Chief Minister with regard to the delay in his confirmation. The witness stated that he was aware of the strength of various political parties in the Punjab Vidhan Sabha at the time of the election and on that basis he was conscious that the contest between Sardar Gurcharan Singh Tohra and Sardar Raghbir Singh Gill was a keen one. However, he denied that because of the strength of the political parties in the Assembly, the result of the election was bound to turn on the basis of the postal ballot papers. He also conceded that the postal ballot papers were distinguishable from the other ballot papers because those personally present had marked the same with a red pencil while no such uniform writing material was provided for the marking of the postal ballot papers by the detenus in custody. The witness denied knowledge about Sardar Raghbir Singh Gill, respondent No. 1, being the candidate of Giani Zail Singh, the then Chief Minister, or because of this he had helped him in the course of election and colluded with respondent No. 1 and Giani Zail Singh for tampering with the postal ballot papers in favour of the returned candidate. He further denied that in order to advance his career prospects and confirmation he had obliged the Chief Minister in this regard. The witness further admitted that the ballot papers were received from the 18th to 22nd and 23rd, 24th till 26th March, 1976 in his office. He denied that the four disputed ballot papers had been originally received with a single first preference marking in favour of Sardar Gurcharan Singh Tohra, respondent No. 4 and that he had connived with others in tampering and altering them to a second preference for Sardar Gurcharan Singh Tohra and adding the first preference to the returned candidate at the instance of the latter and also of the Chief Minister, Giani Zail Singh.

That is all the evidence on this issue of corrupt practice levelled against respondent No. 1. Now there is no manner of doubt that the blatant, and if one may say so, criminal tampering with the sacrosanct elective process must necessarily have been done secretly and surreptitiously. The election petitioners were candid enough in para 18 of the election petition itself to state that they were not in a position to aver and state the exact method and process adopted by the Returning Officer and his accomplices to tamper with the postal ballot papers. Nevertheless, as noticed earlier, the election petitioners cast a very wide net of suspicions indeed. A conspiracy to do the tampering was not merely laid at the door of respondent No. 1, but included in its sweep the then Chief Minister of Punjab, Giani Zail Singh, three unnamed Superintendents of Jails of Sangrur, Patiala and Nabha, one Tirath Singh Sobti, a former Sub Postmaster and Secretary of the Union of Postal Employees at Chandigarh and a host of unnamed accomplices. In para-24 of the election petition the gravamen of the charge seems to be laid at the door of the then Chief Minister himself, who is alleged to have sponsored the candidature of respondent No. 1, with such wide ranging allegations the evidence led by the election petitioners on the point is nevertheless, infinitesimal if not virtually nil. As stated earlier, on this issue both of the election petitioners were remiss in either not stepping into the witness box if the matter was within their personal knowledge or even choosing to examine any witness directly on this point. The allegations in the election petition having been denied there is consequently virtually no evidence in support of the allegations of the corrupt practice except what has been allotted in the cross-examination of R. W. 1 Sardar Partap Singh and some of the circumstantial factors, which are not in dispute. Therefrom it has been established that at the material time R. W. 1 Sardar Partap Singh was in a very valuable position with regard to his service, and was precariously perched with regard to his confirmation to the post or otherwise. Again, all the circumstantial factors are a pointer to the fact that the fraudulent changes in these four disputed ballot papers were made at one time, long after they had left the original authors, and were made by the same forger after they had probably reached atleast the office, if not the actual custody of the Returning Officer. This is so, because as already held, the fundamental imprint of a common forgery on all the four ballot papers is manifest. Despite the aura

of suspicion raised it has to be firmly born in mind that one is dealing with a quasi-criminal charge, which must be proved, if not beyond reasonable doubt, but something very near thereto. That massive weight of proof herein is obviously lacking and it has to be regrettably held that the identity of the criminal hand, which tampered the four disputed ballot papers cannot be determined with any degree of certainty. In my experience, this is the first case in which a blatant "P 94" rigging of the country's fair elective process had not merely been attempted, but in effect virtually succeeded but for the diligence of the election petitioners. Apart from the paucity of evidence it has also to be shown as a matter of law that the obtaining of the unauthorised assistance from the Gazetted Officer for the furtherance of the prospects of election has to be directly by the candidate himself for his agent or with his express consent. On the present state of evidence neither of these legal requisites stand satisfied.

On the present pleadings and the evidence there appears to be no choice except holding that the charge of corrupt practice levelled against respondent No. 1 has not been established. Issue No. 5 is accordingly decided against the election-petitioners.

Issue No. 6.—On the categoric findings of fact arrived at above, it is now the obvious position that the four disputed ballot papers were cast with a single preference vote in favour of respondent No. 4 by Sardar Surjit Singh Barnala, Sardar Jagdev Singh, Talwandi, Sardar Jaswinder Singh Brar and Sardar Parkash Singh Badal. On this factual premise the election petitioners are obviously entitled to succeed under this issue.

Nevertheless, Legalistic and, if I may say so, even untenable arguments were still raised on behalf of P. 95 respondent No. 1 despite the aforesaid factual finding. The learned counsel virtually contended that a successful rigging of the elective process, as in the present case, was beyond the pale of the law and the four disputed ballot papers cannot be counted in favour of respondent No. 4 despite the clearest intent of the voters to the same effect. By way of analogy, reference was sought to be placed on Rule 73(2)(d) of the conduct of Election Rules, 1961, for contending that in case of the identification of the voter the ballot paper should be declared invalid by the Returning Officer. I am unable to appreciate how the Conduct of Election Rules, 1961, is attracted to the powers of the Election Court and how the fetters, if any, placed on the Returning Officer are also to be transplanted on this Court after a detailed trial and factual enquiry with regard thereto. I am of the view on principle that the election Court is and cannot be equated with merely a Returning Officer or the analogy drawn from his limitations extended to it. However, if authority was needed for this plain proposition, it is also available in the following forthright observations of Krishna Iyer J. in Mohinder Singh Gill v. Chief Election Commissioner, 1978 (1) Supreme Court Cases, 405 at page 450 :—

"The solution to this disturbing string of interrogations is simple, given a creative reading of P. 96 implied powers writ invisibly, yet viably, into the larger jurisdiction under Section 98. Law transcends legalism when life is baffled by surprise situations. In this larger view and in accordance with the well-established doctrine of implied powers we think the Court can and if justified, shall do, by the command, all that is necessary to repair the injury and make the remedy realisable. Courts are not luminous angels beating their golden wings in the void but operational authority sanctioning everything to fulfil the trust of the rule of law."

The supposed legal hurdle unsuccessfully sought to be erected being out of the way, it is, therefore, now the admitted position that even excluding the four ballot papers, wherein the first preferences were cast in his favour by the voters, Sardar Gurcharan Singh Tohra, respondent No. 4, had secured 23 first preferences voters in the first count. When the aforesaid four disputed ballot papers are counted in favour of this respondent, as they inevitably must be, and added to his tally of voters on the aforesaid findings, then he would have received on the first count 27 first preference votes. It is not in dispute that the ascertained quota in the election was 25.51 votes. It has, therefore, to be held that in actual

effect respondent No. 4, Sardar Gurcharan Singh Tohra, received the requisite majority of the valid votes, namely, 27 first preference votes being above ascertained quota and was, therefore, entitled to be declared elected on the basis of the first count alone. His tally would, therefore, far outweigh the 19 first preferences votes, which alone should have been counted in favour of P. 97 respondent No. 1 after the first count. Issue No. 6 is hence decided in favour of the election petitioners. Accordingly, under section 101 of the Representation of the People Act ? I declare the respondent No. 4, Sardar Gurcharan Singh Tohra to have been duly elected to the Rajya Sabha. The election of respondent No. 1, the returned candidate, has already been declared void under issues Nos. 2 and 3.

The election petition succeeds. The election of respondent No. 1, Sardar Raghbir Singh Gill, is hereby set aside and instead respondent No. 4, Sardar Gurcharan Singh Tohra, is declared as duly elected to the Rajya Sabha from the Punjab Legislative Assembly constituency. The petitioners are entitled to their costs. Counsel's fee is assessed at Rs. 1,500 only.

Sd/- S. S. SANDHAWALIA, Judge

8th June, 1978.

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(राजस्व विभाग)

नई दिल्ली, 13 जुलाई, 1978

प्रावेश

स्टाम्प

का० प्रा० 2159.—केन्द्रीय सरकार, भारतीय स्टाम्प अधिनियम, 1899 (1899) का 1 भी धारा 9 की उपधारा (1) के अन्तर्गत (क) द्वारा प्रदत्त गक्कियों का प्रयोग करते हुए, गुजरात प्रार्थीण मावासन बोर्ड अधिनियम, 1972 के यशीन गठित गुजरात धार्मीण मावासन बोर्ड गांधीनगर द्वारा जारी की गई निम्नलिखित प्रकार की राशीदों पर प्रभार्य स्टाम्प-शुल्क से छूट देती है :—

(क) निम्नलिखित के लिए डेकेशारों को जारी की गई रसीदेः—

- (1) डेकेशारों से निविदा के साथ प्राप्त अप्रिम रकम;
- (2) निविदाओं के संबंध में डेकेशारों द्वारा जमा की गई प्रतिशूलि;
- (3) डेकेशारों को उपलब्ध किए गए निविदा प्ररूप की कीमत;
- (4) बोर्ड द्वारा पक्षकारों को जारी की गई मामली के अन्तर्गत वसूली;
- (5) संकर्म के लिए निर्माण मामली के माल भाड़े या अन्य धर्यों की वसूली जो बोर्ड द्वारा संदर्भ किए गए हों;
- (6) डेकेशारों पर अभिरोपित शास्ति की वसूली;
- (7) बोर्ड की ग्रासितयों के लिए पक्षकारों द्वारा जमा रकम;

(स) निम्नलिखित महे प्राप्त रकम के लिए किराएदारों और अन्य पक्षकारों को जारी की गई रसीदें:—

- (1) किराएदारों को आवंटित बास-गृहों की बाबत उनसे प्राप्त किराया और सेवा प्रभार;
- (2) किराएदारों से प्राप्त विद्युत उपयोग प्रभार;
- (3) किराएदारों से प्राप्त अभिभूति और विद्युत निषेप;
- (4) किराएदारी संबंधी तथा अन्य करारों की बाबत किराएदारों तथा अन्य पक्षकारों से प्राप्त स्टाम्प फीस;
- (5) बास गृहों में उपलब्ध कराए गए फिल्सवरों, अन्यायुक्तियों तथा फर्माचर की तोड़फोड़ या लूटी और खोई हुई वस्तुओं की कीमत की किराएदारों से वसूली;
- (6) बाद अवय, कुर्की बारण्ट और निष्पादन प्रभार की वसूली;
- (7) किराएदारों की और से खोड़ द्वारा किए गए संकरों की लागत और निषेपों की वसूली;
- (8) बोर्ड के बास-गृहों के अनधिकृत उपयोग के लिए प्रतिकर की वसूली;
- (9) भाड़े पर दी गई बोर्ड की भूमि की बाबत पक्षकारों के जर्माने के किराए की वसूली;
- (10) वृक्षों से फल तोड़ने, घास काटने और ले जाने तथा गिरे हुए वृक्षों को हटाने के अधिकार के विकल्प महे वसूली;
- (11) ऊपर मद्द (10) में उल्लिखित विकल्प महे पक्षकारों के लिए गए प्रतिभूति निषेप;

(ग) निम्नलिखित महे प्राप्त रकमों के लिए न्यायालयों को जारी की गई रसीदें:

- (1) किराएदारों द्वारा न्यायालय में जमा की गई और न्यायालय भट्टों के पास जमा की गई वालों के अवय और निषेप मद्दे रकम जो न्यायालय से प्राप्त हुई हो;
- (2) बाद अवय और निषेप के प्रतिदाय मद्दे न्यायालयों से प्राप्त रकम;

(घ) निम्नलिखित महे बोर्ड के कर्मचारियों को जारी की गई रसीदें:

- (1) बोर्ड के कर्मचारियों जैसे रोकड़िया, किराया वसूलने वालों और भण्डार रक्खकों से प्राप्त प्रतिभूति निषेप;
- (2) उपकरणों, पौधों, फर्माचर और अन्य वस्तुओं के खो जाने, खोरी हो जाने या टूट जाने के कारण बोर्ड के कर्मचारियों से उनके मूल्य की वसूली;
- (3) याचा भत्ते, छट्टी बेतन और अन्य भत्तों के अधिक संदाय मद्दे बोर्ड के कर्मचारियों से वसूली;
- (4) समान्य भविष्य निधि मद्दे बोर्ड के कर्मचारियों से वसूली;
- (5) बोर्ड के कर्मचारियों से यारित और प्रतिसंहरणों मद्दे वसूली;

(ङ) निम्नलिखित महे सरकारी और अन्य कार्यालयों को जारी की गई रसीदें:

- (1) ऋण या निषेप प्रथमा महायता अमुदाप के रूप में सरकार से प्राप्त रकम;

(2) टेलीफोन प्रभार, विद्युत प्रभार, जल उपयोग प्रभार तथा सफाई कर महे सरकारी या अन्य कार्यालयों से प्राप्त रकम;

(च) प्रकीर्ण रसीदें—

- (1) आवासीय-आवेदन प्रक्षेपों, रेसाकों और प्रावक्षणों विकल्प से बोर्ड को प्राप्त रकम;
- (2) आवासीय मकानों के लिए प्राप्त आवेदनों की बाबत अधिकारियों से लिया गया निषेप;
- (3) बास-गृहों के आवंटन हेतु प्रतीक्षा सूची में नाम रखे जाने के प्रयोगन से अधिकारियों से लिए गए निषेप;
- (4) कार्यालय फर्माचर और कार्यालय उपकरणों की बेकार हो गई वस्तुओं के विकल्प महे प्राप्त रकम;
- (5) उपयोग में लाए गए थैलों के विकल्प महे प्राप्त रकम।

[सं० 15/स्टाम्प/का० सं० 33/13/78-एस० टौ०]

एस० टौ० रामास्वामी, प्रबंध सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 13th July, 1978.

ORDER

STAMPS

S.O. 2159.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the stamp duty chargeable on the following types of receipts issued by the Gujarat Rural Housing Board, Gandhinagar constituted under the Gujarat Rural Housing Board Act, 1972:—

- (a) receipts issued to the contractors for:—
 - (i) earnest moneys received from contractors with the tenders;
 - (ii) security deposits from contractors in connection with tenders;
 - (iii) cost of tender forms/supplied to the contractors;
 - (iv) stamp fees in respect of tenancy agreements and other parties;
 - (v) recovery of freight and other expenses paid by the Board on building materials for works;
 - (vi) recovery of fines imposed on contractors;
 - (vii) deposits from parties for damage to the assets of the Board;
- (b) receipts issued to the tenants and other parties for moneys received on account of:—
 - (i) rent and service charges received from the tenants in respect of the tenements allotted to them;
 - (ii) electricity consumption charges received from the tenants;
 - (iii) tenancy and electricity deposits received from the tenants;
 - (iv) stamp fees in respect of tenancy agreements and other agreements received from the tenants and other parties;
 - (v) recovery from the tenants towards cost of missing articles, breakage and damage to the fixtures, fittings and furniture provided in the tenements;
 - (vi) recovery of cost of suits, distress warrants and execution charges;
 - (vii) recovery of deposits and cost of works carried out by the Board on behalf of the tenants;

- (viii) recovery of compensation for unauthorised use of Board's tenements;
- (ix) recovery of ground rent from the parties in respect of Board's lands leased on hire;
- (x) recovery on account of sale of right of removing fruits from the trees, cutting and removing grass and removing fallen trees;
- (xi) security deposits from the parties on account of sale as mentioned in item (x) above;
- (c) receipts issued to the courts for moneys received on account of :—
 - (i) amounts received from the courts on account of cost of suits and deposits, deposited by the tenants in the court and also court bhattas;
 - (ii) amounts received from the courts on a account of refund of cost of suits and deposits;
- (d) receipts issued to the Board's employee on account of :—
 - (i) security deposits from the Board's employees such as cashiers, rent collectors and store-keepers;
 - (ii) recovery from the Board's employees on account of value of tools and plants, furniture and other articles lost by theft or breakage;
 - (iii) recovery from Board's employees of excess payment on account of travelling allowance, leave salary and other allowances;
 - (iv) recovery from Board's employees of account of contribution to General Provident Fund;
 - (v) recovery from Board's employee on account of fines and forfeitures;
- (e) receipts issued to Government and other offices on account of :—
 - (i) money received from Government in the form of loans or deposits or grant-in-aid;
 - (ii) money received from the Government and other offices on accounts of telephone charges, electricity charges, water consumption charges and scavenging taxes;
- (f) miscellaneous receipts :—
 - (i) moneys received by the Board on account of sale of residential application forms, plans and estimates;
 - (ii) deposits taken from the persons in respect of applications received for residential accommodation;
 - (iii) deposits taken from the persons for the purpose of keeping names on the waiting lists for allotment of tenements;
 - (iv) money received on account of sale of unserviceable articles of office furniture and office equipment;
 - (v) money received on account of sale of used bags.

[No. 15/Stamps/F. No. 33/13/78-ST]

S. D. RAMASWAMY, Under Secy.
नई दिल्ली, 7 जुलाई, 1978
सम्पदा-शुल्क

का. ना. 2160 :—केन्द्रीय सरकार, सम्पदा-शुल्क अधिनियम, 1953 (1953 का 34) की धारा 4 की उपधारा (2) द्वारा प्रवत्त गणितयों का प्रयोग करते हुए, नीचे की मन्त्रसूची के स्तम्भ (2) में विनियिष्ट भारसाधन बाले आयकर आयुक्त (अपील) को उसके स्तम्भ (3) में विनियिष्ट भारसाधन बाले सम्पदा-शुल्क नियंत्रक (अपील) के रूप में नियुक्त करती है :—

मन्त्रसूची	सम्पदा-शुल्क नियंत्रक (अपील)
क्रम आयकर आयुक्त (अपील)	सम्पदा शुल्क नियंत्रक (अपील)
सं. भारसाधन, मुख्यालय	वा. भारसाधन मुख्यालय
सहित	सहित
(1)	(2)
1. आयकर आयुक्त (अपील), आगरा।	संपदा-शुल्क नियंत्रक (अपील), मुख्यालय आगरा।
2. आयकर आयुक्त (अपील), इलाहाबाद।	संपदा शुल्क नियंत्रक (अपील), मुख्यालय इलाहाबाद।
3. आयकर आयुक्त (अपील), मसूतमर।	संपदा-शुल्क नियंत्रक (अपील), मसूतमर।
4. आयकर आयुक्त (अपील), आध प्रदेश-II, हैदराबाद।	संपदा-शुल्क नियंत्रक (अपील), हैदराबाद।
5. आयकर आयुक्त (अपील), गोहाटी।	संपदा-शुल्क नियंत्रक (अपील), गोहाटी।
6. आयकर आयुक्त (अपील), जमशेदपुर।	संपदा-शुल्क नियंत्रक (अपील), जमशेदपुर।
7. आयकर आयुक्त (अपील), III, मुम्बई।	संपदा-शुल्क नियंत्रक (अपील), मुम्बई।
8. आयकर आयुक्त (अपील), I, कलकत्ता।	संपदा-शुल्क नियंत्रक (अपील), कलकत्ता।
9. आयकर आयुक्त (अपील), दिल्ली-5, नई दिल्ली।	संपदा-शुल्क नियंत्रक (अपील), नई दिल्ली।
10. आयकर आयुक्त (अपील), I, भ्रह्मदाबाद।	संपदा-शुल्क नियंत्रक (अपील), भ्रह्मदाबाद।
11. आयकर आयुक्त (अपील), बड़ोदा।	संपदा-शुल्क नियंत्रक (अपील), बड़ोदा।
12. आयकर आयुक्त (अपील), राजकोट।	संपदा-शुल्क नियंत्रक (अपील), राजकोट।
13. आयकर आयुक्त (अपील), चंडीगढ़।	संपदा-शुल्क नियंत्रक (अपील), चंडीगढ़।
14. आयकर आयुक्त (अपील), जयपुर।	संपदा-शुल्क नियंत्रक (अपील), जयपुर।
15. आयकर आयुक्त (अपील), जोधपुर।	संपदा-शुल्क नियंत्रक (अपील), जोधपुर।
16. आयकर आयुक्त (अपील), कानपुर।	संपदा-शुल्क नियंत्रक (अपील), कानपुर।
17. आयकर आयुक्त (अपील), II, बंगलौर।	संपदा-शुल्क नियंत्रक (अपील), बंगलौर।
18. आयकर आयुक्त (अपील), एनकुलम।	संपदा-शुल्क नियंत्रक (अपील), एनकुलम।
19. आयकर आयुक्त (अपील), लखनऊ।	संपदा-शुल्क नियंत्रक (अपील), लखनऊ।
20. आयकर आयुक्त (अपील), I, मद्रास।	संपदा शुल्क नियंत्रक (अपील), मद्रास।
21. आयकर आयुक्त (अपील), मेरठ।	संपदा-शुल्क नियंत्रक (अपील), मेरठ।
22. आयकर आयुक्त पो., मध्य प्रदेश I, इन्दौर।	संपदा-शुल्क नियंत्रक (अपील), इन्दौर।
23. आयकर आयुक्त (अपील), मध्य प्रदेश II, जबलपुर।	संपदा-शुल्क नियंत्रक (अपील), जबलपुर।

1	2	3
24. आयकर आयुक्त (अपील) पटियाला।	सम्पदा-शुल्क नियंत्रक (अपील) पटियाला।	
25. आयकर आयुक्त (अपील) पुणे।	सम्पदा-शुल्क नियंत्रक (अपील) पुणे।	
26. आयकर आयुक्त (अपील) नागपुर।	सम्पदा-शुल्क नियंत्रक (अपील) नागपुर।	

2. यह अधिसूचना 10 जुलाई, 1978 को प्रवृत्त होगी।

[मं. 2379/78/फा० सं. 307/8/78-मं. श०]

New Delhi, the 7th July, 1978

ESTATE DUTY

S.O. 2160.—In exercise of the powers conferred by sub-section (2A) of section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby appoints the Commissioners of Income-tax (Appeals) of charges specified in column (2) of the Schedule below as Appellate Controllers of Estate Duty of the charges specified in column (3) thereof:—

SCHEDULE

Sl. No. of Income-tax (Appeals) Charges of Commissioners with headquarters Charges of Appellate Controllers of Estate Duty with headquarters

1	2	3
1. Commissioner of Income-tax (Appeals), Agra	Appellate Controller of Estate Duty with headquarters at Agra.	
2. -do- Allahabad	-do- Allahabad	
3. -do- Amritsar	-do- Amritsar	
4. -do- Andhra Pradesh-II, Hyderabad	-do- Hyderabad	
5. -do- Gauhati	-do- Gauhati	
6. -do- Jamshedpur	-do- Jamshedpur	
7. -do- III, Bombay	-do- Bombay	
8. -do- VI, Calcutta	-do- Calcutta	
9. -do- Delhi-V, New Delhi	-do- New Delhi	
10. -do- I, Ahmedabad	-do- Ahmedabad	
11. -do- Baroda	-do- Baroda	
12. -do- Rajkot	-do- Rajkot	
13. -do- Chandigarh	-do- Chandigarh	
14. -do- Jaipur	-do- Jaipur	
15. -do- Jodhpur	-do- Jodhpur	
16. -do- Kanpur	-do- Kanpur	
17. -do- II, Bangalore	-do- Bangalore	
18. -do- Ernakulam	-do- Ernakulam	
19. Commissioner of Income-tax, (Appeals), Lucknow	Appellate Controller of Estate Duty with headquarters at Lucknow.	
20. -do- I, Madras	-do- Madras	
21. -do- Meerut	-do- Meerut	
22. -do- Madhya Pradesh-I, Indore	-do- Indore	
23. -do- Madhya Pradesh-II, Jabalpur	-do- Jabalpur	
24. -do- Patiala	-do- Patiala	
25. -do- Pune	-do- Pune	
26. -do- Nagpur	-do- Nagpur	

2. This notification will come into force with effect from 10th July, 1978.

[No. 2379/78/F. No. 307/8/78-ED]

सम्पदा-शुल्क

का० शा० 2160.—केन्द्रीय प्रत्यक्ष कर बोर्ड, सम्पदा शुल्क अधिकारिता, 1953 (1953 का 34) की धारा 4 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और इस विषय पर पिछली सभी अधिकृतवालों और आदेशों को भागत: उपालंगित करते हुए, निदेश देता है कि निम्नलिखित अनुसूची के सम्बन्ध (2) में विनियिष्ट भारसाधन वाले सम्पदा शुल्क अपील नियंत्रक, उन मूलक व्यक्तियों की सम्पदा के बारे में अपनी शक्तियों का प्रयोग करेंगे, जिनका उक्त अनुसूची के सम्बन्ध (3) में तत्स्थानी प्रतिष्ठित में विनियिष्ट सहायक सम्पदा शुल्क नियंत्रक द्वारा सम्पदा शुल्क के लिए निर्धारित मूल्य दो लाख रुपये से अधिक हो।

अनुसूची

क्रम मं०	सम्पदा शुल्क अपील नियंत्रक	प्रधिकारिता
1	2	3
1. आगरा	सम्पदा शुल्क नियंत्रक, आगरा की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
2. इलाहाबाद	सम्पदा शुल्क नियंत्रक, इलाहाबाद की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
3. अमृतसर	सम्पदा शुल्क नियंत्रक, अमृतसर की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
4. हैदराबाद	सम्पदा शुल्क नियंत्रक, हैदराबाद की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
5. गोहाटी	सम्पदा शुल्क नियंत्रक, गोहाटी की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
6. जमशेदपुर	सम्पदा शुल्क नियंत्रक, जमशेदपुर की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
7. मुम्बई	सम्पदा शुल्क नियंत्रक, मुम्बई की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
8. कलकत्ता	सम्पदा शुल्क नियंत्रक, पश्चिम बंगाल की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
9. नई दिल्ली	सम्पदा शुल्क नियंत्रक, दिल्ली (केन्द्रीय) की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
10. एहमदाबाद	सम्पदा शुल्क नियंत्रक, एहमदाबाद की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
11. बड़ौदा	सम्पदा शुल्क नियंत्रक, बड़ौदा की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
12. राजकोट	सम्पदा शुल्क नियंत्रक, राजकोट की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
13. चंडीगढ़	सम्पदा शुल्क नियंत्रक, हरियाणा की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	

1	2	3
14. जयपुर	महायक सम्पदा शुल्क नियंत्रक, जयपुर।	
15. जोधपुर	ग़ज़ायक सम्पदा शुल्क नियंत्रक, जोधपुर और बीकानेर।	
16. कानपुर	सम्पदा शुल्क नियंत्रक, कानपुर, की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
17. बंगलौर	सम्पदा शुल्क नियंत्रक, कर्नाटक की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
18. एनाकुलम	सम्पदा शुल्क नियंत्रक, केरल की प्रधिकारिता के भीतर सभी ग़ा़हायक सम्पदा शुल्क नियंत्रक।	
19. लखनऊ	सम्पदा शुल्क नियंत्रक, लखनऊ की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
20. मद्रास	सम्पदा शुल्क नियंत्रक, तमिलनाडु की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
21. मेरठ	सम्पदा शुल्क नियंत्रक, मेरठ की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
22. इंदौर	सहायक सम्पदा शुल्क नियंत्रक, इंदौर।	
23. जबलपुर	सहायक सम्पदा शुल्क नियंत्रक, जबलपुर।	
24. पटियाला	सम्पदा शुल्क नियंत्रक, पटियाला और जालंधर की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
25. पुणे	सम्पदा शुल्क नियंत्रक, पुणे और नासिक की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	
26. नागपुर	सम्पदा शुल्क नियंत्रक, विदर्भ की प्रधिकारिता के भीतर सभी सहायक सम्पदा शुल्क नियंत्रक।	

2. यह प्रधिसूचना 10 जुलाई, 1978 से प्रवृत्त होगी।

[सं. 2380/78-फा. सं-307/8/78-सं. श०]

ESTATE DUTY

S.O. 2161.—In exercise of the powers conferred by sub-section (2A) of section 4 of the Estate Duty Act, 1953 (34 of 1953) and in partial modification of all previous notifications and orders on the subject, the Central Board of Direct Taxes hereby directs that the Appellate Controllers of Estate Duty of the charges specified in column (2) of the Schedule below shall exercise their powers in respect of the Estate of the deceased person, principal value of which as assessed to Estate Duty by the Assistant Controller of Estate Duty specified in corresponding entry in column (3) of the said Schedule exceeds Rs. 2 lakhs :—

SCHEDULE

Sl.	Appellate Controller No. of Estate Duty	Jurisdiction
1	2	3
1.	Agra	All Assistant Controllers of Estate Duty within the jurisdiction of Controller of Estate Duty, Agra.
2.	Allahabad	All Assistant Controllers of Estate Duty within the jurisdiction of Controller of Estate Duty, Allahabad.
3.	Amritsar	All Assistant Controllers of Estate Duty within the jurisdiction of Controller of Estate Duty, Amritsar.
4.	Hyderabad	All Assistant Controllers of Estate Duty within the jurisdiction of the Controller of Estate Duty, Hyderabad.
5.	Gauhati	All Assistant Controllers of Estate Duty within the jurisdiction of Controller of Estate Duty, Shillong.
6.	Jamshedpur	All Assistant Controllers of Estate Duty within the jurisdiction of Controllers of Estate Duty, Bihar & Orissa.
7.	Bombay	All Assistant Controllers of Estate Duty within the jurisdiction of Controller of Estate Duty, Bombay.
8.	Calcutta	All Assistant Controllers of Estate Duty within the jurisdiction of Controller of Estate Duty, West Bengal.
9.	New Delhi	All Assistant Controllers of Estate Duty within the jurisdiction of Controllers of Estate Duty, Delhi & Delhi (Central).
10.	Ahmedabad	All Assistant Controllers of Estate Duty within the jurisdiction of the Controller of Estate Duty, Ahmedabad.
11.	Baroda	All Assistant Controllers of Estate Duty within the jurisdiction of the Controller of Estate Duty, Baroda.
12.	Rajkot	All Assistant Controllers of Estate Duty within the jurisdiction of Controller of Estate Duty, Rajkot.
13.	Chandigarh	All Assistant Controllers of Estate Duty within the jurisdiction of Controller of Estate Duty, Haryana.
14.	Jaipur	Assistant Controller of Estate Duty, Jaipur.
15.	Jodhpur	Assistant Controllers of Estate Duty, Jodhpur & Bikaner.
16.	Kanpur	All Assistant Controllers of Estate Duty within the jurisdiction of Controller of Estate Duty, Kanpur.
17.	Bangalore	All Assistant Controllers of Estate Duty within the jurisdiction of Controller of Estate Duty, Karnataka.
18.	Ernakulam	All Assistant Controllers of Estate Duty within the jurisdiction of the Controller of Estate Duty, Kerala.

1	2	3
19. Lucknow	All Assistant Controllers of Estate Duty within the jurisdiction of the Controller of Estate Duty, Lucknow.	
20. Madras	All Assistant Controllers of Estate Duty within the jurisdiction of the Controller of Estate Duty, Tamil Nadu.	
21. Meerut	All Assistant Controllers of Estate Duty within the jurisdiction of Controller of Estate Duty, Meerut.	
22. Indore	Assistant Controller of Estate Duty, Indore.	
23. Jabalpur	Assistant Controller of Estate Duty, Jabalpur.	
24. Patiala	All Assistant Controllers of Estate Duty within the jurisdiction of the Controllers of Estate Duty, Patiala & Jullundur.	
25. Pune	All Assistant Controllers of Estate Duty within the jurisdiction of Controllers of Estate Duty, Pune & Nasik.	
26. Nagpur	All Assistant Controllers of Estate Duty within the jurisdiction of Controllers of Estate Duty, Vidarbha.	

2. This notification will come into force with effect from 10th July, 1978.

[No. 2380/78-F. No. 307/8/78-ED]

वान कर

का० आ० 2162.—केन्द्रीय प्रत्यक्ष कर बोर्ड, वान कर अधिनियम, 1958 (1958 का 18) की धारा 22 की उपधारा (1) के खण्ड (ह) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और मामलों की प्रकृति, उनमें अन्तर्भूत जटिलताओं और अन्य सुरक्षित बातों को ध्यान में रखते हुए यह निर्देश देता है कि कोई भी निर्धारित जिसका करारधीय वान धारा 15 के अधीन निर्धारण पर दो लाख से अधिक हो, और जो धारा 22 की उपधारा 1 के खण्ड (घ) से (ज) (जिसमें दोनों सम्मिलित है) में विनिर्दिष्ट किसी प्रादेश द्वारा अधियक्षित हों, ऐसे आदेशों के विरुद्ध आयकर आयुक्त (अपील) को भ्रमीकर कर सकेगा।

2. उपरोक्त अधिसूचना 10 जुलाई, 1978 से प्रभावी होगी।

[सं० 2375/78/एक० सं० 332/2/78-वा०क०]

GIFT TAX

S.O. 2162.—In exercise of the powers conferred by clause (e) of sub-section (1A) of section 22 of the Gift-tax Act, 1958 (18 of 1958) the Central Board of Direct Taxes having regard to the nature of the cases, the complexities involved and other relevant considerations, hereby directs that any assessee with taxable gift exceeding two lakh rupees on assessment under section 15, and aggrieved by an order specified in clauses (d) to (h) (both inclusive) of sub-section 1 of section 22 shall appeal to the Commissioner of Gift-tax (Appeals) against such orders.

2. The above notification shall take effect from 10th July, 1978.

[No. 2375/78-F. No. 332/2/78-G.T.]

वान कर

का० आ० 2163.—केन्द्रीय प्रत्यक्ष कर बोर्ड, वान कर अधिनियम, 1958 (1958 का 18) की धारा 8क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, ऐसे प्रत्येक अधिकारी को, जो आयकर अधिनियम, 1961 (1961 का 43) की धारा 117 के अधीन आदेश आयुक्त (अपील) नियुक्त किया गया है और इस रूप में अपनी शक्तियों का प्रयोग कर रहा है, ऐसे किसी अधिकारी की बाबत जो आयकर बांड, सर्किलों, जिलों और रेजों में जिस पर आयकर आयुक्त (अपील) को अधिकारिता है, निर्धारण योग्य है और जो वान कर अधिनियम, 1958 की धारा 22 की उपधारा (1क) के खण्ड (क) से (घ) (जिसमें दोनों सम्मिलित है) में उल्लिखित आदेशों में से किसी प्रादेश से अधियक्षित है, और ऐसे अधिकारी को या अधिकारियों के वर्ग की बाबत जिन्हें बोर्ड उक्स धारा की उपधारा (1क) के खण्ड (ठ) के उपबन्धों के अनुसार निर्दिष्ट करे, वान कर आयुक्त (अपील) के कूल्यों के निर्वहन के लिए सशक्त करता है।

2. उपरोक्त अधिसूचना 10 जुलाई, 1978 से प्रभावी होगी।

[सं० 2376/78/एक० सं० 332/2/78-वा०क०]

GIFT TAX

S.O. 2163.—In exercise of the powers conferred by section 8A of the Gift-tax Act, 1958 (18 of 1958) the Central Board of Direct Taxes hereby empowers every person appointed to be a Commissioner of Income-tax (Appeals) under section 117 of the Income-tax Act, 1961 (43 of 1961) and exercising powers as such, to exercise the functions of a Commissioner of Gift-tax (Appeals) in respect of any person assessable in the Income-tax Wards, Circles, Districts and Ranges over which Commissioner of Income-tax (Appeals) has jurisdiction and is aggrieved by any of the orders mentioned in clauses (a) to (d) (both inclusive) of sub-section (1A) of section 22 of the Gift-tax Act, 1958 and also in respect of such persons or classes of persons as the Board may direct in accordance with the provisions of clause (e) of sub-section (1A) of the said section.

2. The above notification shall take effect from 10th July, 1978.

[No. 2376/78-F. No. 332/2/78-G.T.]

वान कर

का० आ० 2164.—केन्द्रीय प्रत्यक्ष कर बोर्ड, धन-कर अधिनियम, 1957 (1957 का 22) की धारा 9क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आयकर अधिनियम, 1961 (1961 का 43) की धारा 117 के अधीन आयकर आयुक्त (अपील) के रूप में नियुक्त और उन शक्तियों का प्रयोग करने वाले प्रत्येक अधिकारी को, उन आयकर बांडों, सर्किलों, जिलों और रेजों में, जिनकी बाबत वह आय कर आयुक्त (अपील) की अधिकारिता रखता है, निर्धारणीय किसी ऐसे अधिकारी की विविधता की बाबत जो उनकर अधिनियम की धारा 23 की उपधारा (1क) के खण्ड (क) से (घ) में उल्लिखित आदेशों में से किसी से अधियक्षित हों और ऐसे अधिकारियों के वर्ग की बाबत भी जिन्हें कि उक्त धारा की उपधारा (1क) के खण्ड (ठ) के उपबन्धों के अनुसार बोर्ड निर्दिष्ट करे, धन-कर आयुक्त (अपील) के कर्तव्यों का पालन करने के लिए सशक्त करता है।

2. यह अधिसूचना 10 जुलाई, 1978 से प्रभावी होगी।

[सं० 2377/78-का० सं० 318/17/78-धनकर]

WEALTH-TAX

S.O. 2164.—In exercise of the powers conferred by section 9A of the Wealth-tax Act, 1957 (27 of 1957) the Central Board of Direct Taxes hereby empowers every person appointed to be a Commissioner of Income-tax (Appeals) under section 117 of the Income-tax Act, 1961 (43 of 1961) and exercising powers as such, to exercise the functions of a Commissioner of Wealth-tax (Appeals), in respect of any individual or Hindu undivided family assessable in the Income-tax Wards, Circles, Districts and Ranges in respect of which such Commissioner of Income-tax (Appeals) holds jurisdiction, as is aggrieved by any of the orders mentioned in clauses (a) to (d) of sub-section (1A) of Section 23 of the Wealth-tax Act and also in respect of such persons or classes of persons as the Board may direct in accordance with the provisions of clause (e) of sub-section (1A) of the said section.

2. The above notification will take effect from 10th July, 1978.

[No. 2377/78-F. No. 318/17/78-WT]

धन-कर

का० ग्रा० 2165.—केन्द्रीय प्रत्यक्ष कर बोर्ड, धन कर अधिनियम, 1957 (1957 का 27) की भारा 23 की उपधारा (1क) के अध्य (३) द्वारा प्रदत्त शब्दभों का प्रयोग करते हुए, मामलों की प्रकृति,

प्रत्यक्ष वित्त जटिलताओं और अन्य सुसंगत बातों को व्याप में रखते हुए यह नियम देता है कि धारा 18 के प्रकृति निर्धारण पर पन्द्रह लाख रुपए से अधिक शुद्ध धन वाला, और धारा 23 की उपधारा (1) के अध्य (३) से (८) तक (जिनमें ये दोनों सम्बन्धित हैं) में विनियिष्ट किसी भारतीय से व्यक्ति कोई भी निर्धारिती देसे आदेश के विरुद्ध धन-कर आयुक्त (घरीवी) को घरीव करेगा।

2. उपर्युक्त प्रविसूचना 10 जुलाई, 1978 से प्रभावी होगी।

[स० 2378/78/का० स० 318/17/78-डब्ल्यू० टी०]

वी० माथुर, अवर सचिव

WEALTH-TAX

S.O. 2165.—In exercise of the powers conferred by clause (e) of sub-section (1A) of section 23 of the Wealth-tax Act, 1957 (27 of 1957) the Central Board of Direct Taxes, having regard to the nature of cases, the complexities involved and other relevant considerations, hereby directs that any assessee with net wealth exceeding fifteen lakh rupees on assessment under section 16, and aggrieved by an order specified in clauses (d) to (i) (both inclusive) of sub-section (1) of section 23, shall appeal to the Commissioner of Wealth-tax (Appeals) against such order.

2. The above notification will take effect from 10th July, 1978.

[No. 2378/78-F. No. 318/17/78-WT]

V. MATHUR, Under Secy.

(प्रार्थक कार्य विभाग)

(भौतिक प्रधान)

(Dept. of Economic Affairs)
(Banking Division)

नई दिल्ली, 5 जुलाई, 1978
New Delhi, the 5th July, 1978

भारतीय रिजर्व बैंक

RESERVE BANK OF INDIA

का० ग्रा० 2166 :—भारतीय रिजर्व बैंक अधिनियम, 1934 के अनुसरण में अप्रैल 1978 के दिनांक 14 को समाप्त हुए सप्ताह के लिए लेखा

S. O. 2166.—An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 14th day of April 1978

रघु विभाग

ISSUE DEPARTMENT

देयताएँ Liabilities	रुपये Rs.	रुपये Rs.	प्रास्तियाँ Assets	रुपये Rs.	रुपये Rs.
बैंकिंग विभाग में रखे हुए नोट Notes held in the Banking			सोने का सिक्का और भूलियन :— Gold Coin and Bullion :—		
Department	6,91,69,000		(क) भारत में रखा हुआ (a) Held in India	193,09,14,000	
संचलन में नोट Notes in circulation	9035,99,53,000		(ख) भारत के बाहर रखा हुआ (b) Held outside India	..	
जारी किये गये कुल नोट Total Notes issued	9042,91,22,000		विदेशी प्रतिभूतियाँ Foreign Securities	1966,45,29,000	
			जोड़ Total	2159,54,43,000	
			रुपये का सिक्का Rupee Coin	8,18,90,000	
			भारत सरकार की रुपया Government of India Rupee Securities	6875,17,89,000	
			देशी विनियम विल और दूसरे वाणिज्य-पत्र Internal Bills of Exchange and other commercial paper	..	
			कुल प्रास्तियाँ Total Assets	9042,91,22,000	
कुल देयताएँ Total Liabilities	9042,91,22,000				

दिनांक : 19 अप्रैल, 1978

Dated the 19th day of April 1978.

प्राइंस जी० पटेल, गवर्नर

I. G. PATEL, Governor

14 अप्रैल, 1978 को भारतीय रिजर्व बैंक के बैंकिंग विभाग के कार्यकालाप का विवरण
 Statement of the affairs of the Reserve Bank of India, Banking Department as on the 14th April 1978

देवताएं Liabilities	रुपये Rs.	आस्तियां Assets	रुपये Rs.
कृता पूँजी Capital Paid Up	5,00,00,000	नोट Notes	6,91,69,000
आंशिक निधि Reserve Fund	150,00,00,000	रुपये का सिक्का Rupee Coin	5,32,000
राष्ट्रीय कृषि क्षण (दीर्घकालीन प्रबन्धन) निधि National Agricultural Credit (Long Term Operations) Fund	495,00,00,000	छोटा सिक्का Small Coin	6,45,000
राष्ट्रीय कृषि क्षण (स्थिरीकरण) निधि National Agricultural Credit (Stabilisation) Fund	165,00,00,000	खरीदे और भुनाये गये बिल :— Bills Purchased and Discounted :—	
राष्ट्रीय श्रीदोगिक क्षण (दीर्घकालीन प्रबन्धन) निधि National Industrial Credit (Long Term Operations) Fund	715,00,00,000	(क) देशी (a) Internal	103,05,07,000
जमा राशियां :— Deposits :—		(ख) विदेशी (b) External	
(क) सरकारी (a) Government		(ग) सरकारी बजारा बिल (c) Government Treasury Bills	2126,15,25,000
(i) केन्द्रीय सरकार (i) Central Government	3005,41,07,000	विदेशों में रखा हुआ बकाया* Balances Held Abroad*	2005,27,51,000
(ii) राज्य सरकारें (ii) State Governments	7,29,68,000	निवेश** Investments**	1894,49,83,000
(ब) बैंक (b) Banks		क्षण और अप्रिम :— Loans and Advances to :—	
(i) मनुसूचित वाणिज्य बैंक (i) Scheduled Commercial Banks	1869,23,44,000	(i) केन्द्रीय सरकार को (i) Central Government	
(ii) मनुसूचित राज्य सहकारी बैंक (ii) Scheduled State Co-operative Banks	45,33,00,000	(ii) राज्य सरकारों को@ (ii) State Governments@	660,59,56,000
(iii) गैर मनुसूचित राज्य सहकारी बैंक (iii) Non-Scheduled State Co-operative Banks	2,21,87,000	क्षण और अप्रिम :— Loans and Advances to :—	
(iv) अन्य बैंक (iv) Other Banks	3,11,78,000	(i) मनुसूचित वाणिज्य बैंकों को† (i) Scheduled Commercial Banks†	167,56,97,000
(ग) अन्य (c) Others	1795,40,34,000	(ii) राज्य सहकारी बैंकों को†† (ii) State Co-operative Banks††	386,83,01,000
देव बिल Bills Payable	285,66,47,000	(iii) दूसरों को (iii) Others	80,00,000

देशांतर Liabilities	रुपये Rs.	प्रास्तियां Assets	रुपये Rs.
अन्य देशांतर Other Liabilities	1039,42,57,000	राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबंधन) निधि से ऋण, अग्रिम और निवेश Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
		(क) ऋण और अग्रिम :—	
		(a) Loans and Advances to :—	
		(i) राज्य सरकारों को 111,14,90,000 (i) State Governments	
		(ii) राज्य सहकारी बैंकों को 21,06,11,000 (ii) State Co-operative Banks	
		(iii) केन्द्रीय भूमिक्षक बैंकों को .. (iii) Central Land Mortgage Banks	
		(iv) कृषि पुनर्वित और विकास निगम की 152,00,00,000 (iv) Agricultural Refinance and Development Corporation	
		(ब) केन्द्रीय भूमिक्षक बैंकों के डिबेंचरों में निवेश	
		(b) Investment in Central Land Mortgage Bank Debentures 7,86,77,000	
		राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और अग्रिम	
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund 109,09,50,000	
		राज्य सहकारी बैंकों को ऋण और अग्रिम Loans and Advances to State Co-operative Banks	
		राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रबंधन) निधि से ऋण, अग्रिम और निवेश	
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund 614,38,46,000	
		(क) विकास बैंक को ऋण और अग्रिम	
		(a) Loans and Advances to the Development Bank	
		(ख) विकास बैंक द्वारा जारी किये गये बांडों/डिबेंचरों में निवेश	
		(b) Investment in bond/debentures issued by the Development Bank ..	
		अन्य प्रास्तियां Other Assets	1215,73,82,000
	रुपये Rupees	रुपये Rupees	
	9583,10,22,000	9583,10,22,000	

*नकदी, घावधिक जमा और अस्पकालीन प्रतिभूतियां शामिल हैं।

*Includes Cash, Fixed Deposits and Short-term Securities.

**राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबंधन) निधि और राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रबंधन) निधि में से किये गये निवेश शामिल नहीं हैं।

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@@राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबंधन) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं, परन्तु राज्य सरकारों को दिये गये अन्यायी दोष रुपये 197 शामिल हैं।

@@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†भारतीय रिजर्व बैंक अधिनियम की धारा 17 (4) (ग) के अधीन अनुसूचित आणिज्य बैंकों को मीथादी बिलों पर अग्रिम दिये गये 4,51,00,000 रुपये शामिल हैं।

†Includes Rs. 4,51,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबंधन) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं।

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

ग्राही जी. पटेल, गवर्नर
I. G. PATEL, Governor
[No. F. 10/1/78-BO I]

कानून 2167.—भारतीय रिजर्व बैंक अधिनियम, 1934 के अनुसरण में अप्रैल 1978 के दिनांक 21 को समाप्त हुए सप्ताह के लिए लेखा
S.O. 2167.—An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 21st day of April, 1978.

इष्ट विभाग
ISSUE DEPARTMENT

देयताएं Liabilities	रुपये Rs.	रुपये Rs.	आस्तियां Assets	रुपये Rs.	रुपये Rs.
बैंकिंग विभाग में रखे गये नोट Notes held in the Banking Department	12,94,75,000		सोने का सिक्का और बुलियन:— Gold Coin and Bullion		
संचालन में नोट Notes in circulation	9034,62,26,000		(क) भारत में रखा हुआ (a) Held in India	193,09,14,000	
जारी किये गये कुल नोट Total Notes issued		9047,57,01,000	(ख) भारत के बाहर रखा हुआ (b) Held outside India		1966,45,29,000
			विदेशी प्रतिशतियां Foreign Securities		
			जोड़ Total		2159,54,43,000
			रुपये का सिक्का Rupee Coin		7,84,90,000
			भारत सरकार की रुपया प्रतिशतियां Government of India Rupee Securities		6880,17,68,000
			देशी वित्तिय बिल और त्रूपरे वाणिज्य-पत्र Internal Bills of Exchange and other commercial paper		
			कुल आस्तियां Total Assets		9047,57,01,000
कुल देयताएं Total Liabilities	9047,57,10,000				

दिनांक : 26 अप्रैल, 1978

Dated the 26th day of April, 1978

21 अप्रैल 1978 को भारतीय रिजर्व बैंक के बैंकिंग विभाग के कार्यकालाप का विवरण

Statement of the affairs of the Reserve Bank of India, Banking Department as on the 21st April, 1978.

देयताएं Liabilities	रुपये Rs.	आस्तियां Assets	रुपये Rs.
कुक्ता पूँजी Capital Paid Up	5,00,00,000	नोट Notes	12,94,75,000
आरक्षित निधि Reserve Fund	150,00,00,000	रुपये का सिक्का Rupee Coin	5,06,000
राष्ट्रीय कृषि ऋण (दोषकालीन प्रबलंन) निधि National Agricultural Credit (Long Term Operations) Fund	495,00,00,000	छोटा सिक्का Small Coin	4,99,000
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि National Agricultural Credit (Stabilisation) Fund	165,00,00,000	करीबी और भूमाये गये बिल Bills Purchased and Discounted :—	
राष्ट्रीय औद्योगिक ऋण (दोषकालीन प्रबलंन) निधि National Industrial Credit (Long Term Operations) Fund	715,00,00,000	(क) देशी (a) Internal	96,70,26,000
जमा राशियां :— Deposits :—		(ख) विदेशी (b) External	
(क) सरकारी (a) Government (i) केन्द्रीय सरकार (i) Central Government	3496,61,18,000	(ग) सरकारी लाजाना बिल (c) Government Treasury Bills	2398,29,87,000
		विदेशों में रखा हुआ बकाया* Balances Held Abroad*	2024,48,16,000

के० एस० कृष्णास्वामी, उप गवर्नर
K.S. KRISHNASAWAMY, Dy. Governor

देयताएँ Liabilities	रुपये Rs.	आस्तिहाँ Assets	रुपये Rs.
(ii) राज्य सरकारें		निवेश**	
(ii) State Governments	8,51,20,000	Investments**	1882,57,43,000
(क) बैंक		ऋण प्रीर अधिम :—	
(b) Banks		Loans and Advances to :—	
(i) अनुसूचित वाणिज्य बैंक		(i) केन्द्रीय सरकार को	
(i) Scheduled Commercial Banks	1665,17,19,000	(i) Central Government	
(ii) अनुसूचित राज्य सहकारी बैंक		(ii) राज्य सरकारें को	
(ii) Scheduled State Co-operative Banks	38,29,54,000	(ii) State Governments@	620,09,98,000
(iii) गैर अनुसूचित राज्य सहकारी बैंक		ऋण प्रीर अधिम :—	
(iii) Non-Scheduled State Co-operative Banks	2,23,21,000	Loans and Advances to :—	
(iv) अन्य बैंक		(i) अनुसूचित वाणिज्य बैंकों को	
(iv) Other Banks	3,33,45,000	(i) Scheduled Commercial Banks†	138,75,46,000
(ग) अन्य		(ii) राज्य सहकारी बैंकों को	
(c) Others	1781,10,31,000	(ii) State Co-operative Banks††	381,22,48,000
देय बिल		(iii) दूसरों को	
Bills Payable	209,71,41,000	(iii) Others	80,00,000
अन्य देयताएँ		राष्ट्रीय रुपिय ऋण (दीर्घकालीन प्रबलंन) निधि से ऋण, प्रधिम प्रीर निवेश	
Other Liabilities	1047,02,30,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
(क) ऋण प्रीर अधिम :—			
(a) Loans and Advances to :—			
(i) राज्य सरकारें को			
(i) State Governments			111,14,90,000
(ii) राज्य सहकारी बैंकों को			
(ii) State Co-operative Banks			20,83,64,000
(ii) केन्द्रीय भूमिक्षक बैंकों को			
(iii) Central Land Mortgage Banks			
(iv) रुपिय दुर्बित और विकास निगम को			
(iv) Agricultural Refinance and Development Corporation			152,00,00,000
(ब) केन्द्रीय भूमिक्षक बैंकों के डिवेंपरों में निवेश			
(b) Investment in Central Land Mortgage Bank Debentures			7,86,77,000
राष्ट्रीय रुपिय ऋण (स्थिरीकरण) निधि से ऋण और अधिम			
Loans and Advances from National Agricultural Credit (Stabilisation) Fund			
राज्य सहकारी बैंकों को ऋण प्रीर अधिम			
Loans and Advances to State Co-operative Banks			107,34,21,000

देयताएं Liabilities	रुपये Rs.	आस्तियां Assets	रुपये Rs.
राष्ट्रीय औषधिक ऋण (दीर्घकालीन प्रबर्तन) निधि से ऋण, अधिम और निवेश			
Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund			
(क) विकास बैंक को ऋण और अधिम			
(a) Loans and Advances to the Development Bank			614,38,46,000
(ब) विकास बैंक द्वारा जारी किये गये बोर्डों/हिकेंचरों में निवेश			
(b) Investment in bonds/debentures issued by the Development Bank			
अन्य आस्तियां Other Assets			1212,43,37,000
रुपये Rupees	9781,99,79,000	रुपये Rupees	9781,99,79,000

*नकदी, भावधिक जमा और प्रलक्षकालीन प्रतिशुल्तियां शामिल हैं।

*Includes Cash, Fixed Deposits and Short-term Securities.

**राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबर्तन) निधि और राष्ट्रीय औषधिक ऋण (दीर्घकालीन प्रबर्तन) निधि में से किये गये निवेश शामिल नहीं हैं।

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

†राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबर्तन) निधि से प्रदत्त ऋण और अधिम शामिल नहीं हैं, परन्तु राज्य सरकारों को दिये गये अस्थावी बोरड्रॉफ्ट शामिल हैं।

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†भारतीय रिजर्व बैंक अधिनियम की धारा 17 (4) (ग) के अधीन प्रमुखस्थित वाणिज्य बैंकों को भीयावी बिलों पर अधिम दिये गये संपर्क शामिल हैं।

†Includes Rs. 2,76,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

‡राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबर्तन) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अधिम शामिल नहीं हैं।

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

कौ. एस. कृष्णस्वामी, उप गवर्नर
K. S. KRISHNASWAMY Dy. Governor
[No. F. 10/1/78-BOI]

क्रांति 2168.—भारतीय रिजर्व बैंक अधिनियम, 1934 के अनुसरण में अप्रैल 1978 के दिनांक 28 को समाप्त हुए सप्ताह के लिए लेखा

S.O. 2168.—An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 28th day of April 1978.

इष्ट विभाग
ISSUE DEPARTMENT

देयताएं	रुपये	रुपये	आस्तियां	रुपये	रुपये
Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
बैंकिंग विभाग में रखे हुए नोट Notes held in the Banking Department	7,40,40,000		सोने का सिक्का और बुलियन :— Gold Coin and Bullion		
संचालन में नोट Notes in circulation	8999,70,75,000		(क) भारत में रखा हुआ (a) Held in India 193,09,14,000		
जारी किये गये कुल नोट Total Notes issued	9007,11,15,000		(ख) भारत के बाहर रखा हुआ (b) Held outside India ..		
			विदेशी प्रतिभूतियां Foreign Securities 1966,45,29,000		
			जोड़ Total 2159,54,43,000		
			रुपए का सिक्का Rupee Coin 7,38,83,000		
			भारत सरकार की रुपया प्रतिभूतियां Government of India Rupee		
			Securities 6840,17,89,000		
			देशी विनियम विल और दूसरे वाणिज्य-पत्र Internal Bills of Exchange and other commercial paper ..		
कुल देयताएं Total Liabilities	9007,11,15,000		कुल आस्तियां Total Assets 9007,11,15,000		

दिनांक: 3 मई, 1978

Dated the 3rd May, 1978

के. एस. कृष्णस्वामी, उप गवर्नर

K. S. KRISHNASWAMY, Dy Governor

28 अप्रैल 1978 को भारतीय रिजर्व बैंक के बैंकिंग विभाग के कार्यक्लाप का विवरण

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 28th April 1978

देयताएं	रुपये	आस्तियां	रुपये
Liabilities	Rs.	Assets	Rs.
शुरूआतीय नोट Capital Paid Up	5,00,00,000	नोट Notes	7,40,40,000
आरक्षित निधि Reserve Fund	150,00,00,000	रुपये का सिक्का Rupee Coin	3,87,000
राष्ट्रीय कृषि क्षण (वीर्धकालीन प्रबलंत) निधि National Agricultural Credit (Long Term Operations) Fund	495,00,00,000	छोटा सिक्का Small Coin	4,30,000
राष्ट्रीय कृषि क्षण (स्थिरीकरण) निधि National Agricultural Credit (Stabilisation) Fund	165,00,00,000	व्यापार और भूजाये गये विल Bills Purchased and Discounted :—	
राष्ट्रीय श्रोतुर्वापिक क्षण (वीर्धकालीन प्रबलंत) निधि National Industrial Credit (Long Term Operations) Fund	715,00,00,000	(क) देशी (a) Internal 69,07,75,000	
जमा राशियाँ :— Deposits :—		(ख) विदेशी (b) External ..	
(क) सरकारी (a) Government		(ग) सरकारी बचावी विल (c) Government Treasury Bills 2885,60,62,000	
(i) केन्द्रीय सरकार (i) Central Government	3616,09,67,000	विदेशों में रखा हुआ बचाव Balances Held Abroad* 2034,95,2 1111	

देवताएं Liabilities	रुपये Rs.	आस्तियां Assets	रुपये Rs.
(ii) राज्य सरकारें (ii) State Governments	8,48,38,000	निवेश Investments**	1882,06,24,000
(ख) बैंक (b) Banks		ऋण और अग्रिम :— Loans and Advances to :—	
(i) अनुसूचित वाणिज्य बैंक (i) Scheduled Commercial Banks	1991,35,82,000	(i) केन्द्रीय सरकार को (i) Central Government	..
(ii) अनुसूचित राज्य सहकारी बैंक (ii) Scheduled State Co-operative Banks	31,26,03,000	(ii) राज्य सरकारों को (ii) State Governments (a)	595,47,72,000
(iii) गढ़अनुसूचित राज्य सहकारी बैंक (iii) Non-Scheduled State Co-operative Banks	2,19,84,000	ऋण और अग्रिम :— Loans and Advances to :—	
(iv) अन्य बैंक (iv) Other Banks	3,77,90,000	(i) अनुसूचित वाणिज्य बैंकों को (i) Scheduled Commercial Banks†	154,69,66,000
(c) अन्य (c) Others	1779,47,80,000	(ii) राज्य सहकारी बैंकों को (ii) State Co-operative Banks†	373,18,30,000
देव चिल Bills Payable	207,77,94,000	(iii) दूसरों को (iii) Others	80,00,000
अन्य देवताएं Other Liabilities	1058,45,51,000	राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबंद्धन) निधि से ऋण, अग्रिम और निवेश Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
(क) ऋण और अग्रिम (a) Loans and Advances to :—		(क) कृषि पुनर्वित और विकास निगम को (i) राज्य सरकारों को (i) State Governments	111,13,41,000
		(ii) राज्य सहकारी बैंकों को (ii) State Co-operative Banks	20,76,12,000
		(iii) केन्द्रीय भूमिक्षणक बैंकों को (iii) Central Land Mortgage Banks	..
		(iv) कृषि पुनर्वित और विकास निगम को (iv) Agricultural Refinance and Development Corporation	152,00,00,000
(ख) केन्द्रीय भूमिक्षणक बैंकों के लिये देवताएं में निवेश (b) Investment in Central Land Mortgage Bank Debentures.		(ख) केन्द्रीय भूमिक्षणक बैंकों के लिये देवताएं में निवेश ऋण और अग्रिम Loans and Advances from National Agricultural Credit (Stabilisation) Fund	7,86,77,000
		राज्य सहकारी बैंकों को ऋण और अग्रिम Loans and Advances to State Co-operative Banks	111,03,62,000

देयताएं Liabilities	रुपये Rs.	आस्तियां Assets	रुपये Rs.
		राष्ट्रीय शौधोगिक ऋण (दीर्घकालीन प्रबलंन) निधि से ऋण, अप्रिम और निवेश	
		Loans, Advances and Investments from Na-tional Industrial Credit (Long Term Operations) Fund	
		(क) विकास बैंक को ऋण और अप्रिम	
		(a) Loans and Advances to the Development Bank	620,43,26,000
		(ख) विकास बैंक द्वारा जारी किये गये बॉडीज़/डिबेंचरों में निवेश	
		(b) Investment in bonds/debentures issued by the Development Bank.	
		अन्य आस्तियां Other Assets	1202,31,56,000
	रुपये Rupees	रुपये Rupees	
	10228,88,89,000		10228,88,89,000

* नकदी, आवधिक जमा और अप्लाकालीन प्रतिसूतियां शामिल हैं।

* Includes Cash, Fixed Deposits and Short-term Securities.

** राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबलंन) निधि और राष्ट्रीय शौधोगिक ऋण (दीर्घकालीन प्रबलंन) निधि में से किये गये निवेश शामिल नहीं हैं।

** Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

② राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबलंन) निधि से प्रबलंत ऋण और अप्रिम शामिल नहीं हैं, परन्तु राज्य सरकारों को दिये गये अस्वीकीय ओवरड्रॉफ्ट शामिल हैं।

② Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† भारतीय रिजर्व बैंक अधिनियम की धारा 17 (4) (ग) के प्रधीन अनुमूलिक वाणिज्य बैंकों को मीयादी बिलों पर अप्रिम दिये गये 2,76,00,000 रुपये शामिल हैं।

† Includes Rs. 2,76,00,000 advanced to scheduled commercial banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

‡ राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबलंन) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रबलंत ऋण और अप्रिम शामिल नहीं हैं।

‡ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

दिनांक : 3 मई, 1978.

Dated the 3rd day of May 1978.

के०ए० कृष्णास्वामी, उप गवर्नर
K.S.KRISHNASWAMY, Dy. Governor

[No. F.10/1/78-BOI]

कांग्रेस 2169.—भारतीय रिजर्व बैंक अधिनियम, 1934 के अनुसरण में मई, 1978 के दिनांक 5 को समाप्त हुए सप्ताह के लिए लेखा

S.O. 2169.—An Account pursuant to the RESERVE BANK OF INDIA ACT, 1934 for the week ended the 5th day of May, 1978

इस्सु विभाग
ISSUE DEPARTMENT

देयताएँ	रुपये	रुपये	आस्तियाँ	रुपये	रुपये
Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
बैंकिंग विभाग में रखे हुए नोट Notes held in the Banking Department	8,36,63,000		सोने का सिक्का और ब्युलियन Gold Coin and Bullion		
संचलन में नोट Notes in circulation	9160,53,68,000		(क) भारत में रखा हुआ (a) Held in India	193,09,14,000	
जारी किये गये कुल नोट Total Notes issued		9168,90,31,000	(ख) भारत के बाहर रखा हुआ (b) Held outside India		
			विदेशी प्रतिभूतियाँ Foreign Securities	1966,45,29,000	
			जोड़		2159,54,43,000
			रुपये का सिक्का Rupee Coin		14,16,85,000
			भारत सरकार की रुपया प्रतिभूतियाँ Government of India Rupee Securities		6995,19,03,000
			देशी विनियम बिल और दूसरे आणिंड्य-पत्र Internal Bills of Exchange and other commercial papers		..
			कुल आस्तियाँ Total Assets		9168,90,31,000
कुल देयताएँ Total Liabilities	9168,90,31,000				

दिनांक: 10 मई 1978

Dated the 10th day of May, 1978

आई. जी. पटेल, गवर्नर
I.G. PATEL Governor

5 मई, 1978 को भारतीय रिजर्व बैंक के बैंकिंग विभाग के कार्यकालाप का विवरण
Statement of the affairs of the Reserve Bank of India, Banking Department as on the 5th, May 1978

देयताएँ	रुपये	आस्तियाँ	रुपये
Liabilities	Rs.	Assets	Rs.
चुक्ता पूँजी Capital Paid Up	5,00,00,000	नोट	8,36,63,000
प्रारक्षित निधि Reserved Fund	150,00,00,000	रुपये का सिक्का Rupee Coin	3,89,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबंधन) निधि National Agricultural Credit (Long Term Operations) Fund	495,00,00,000	छोटा सिक्का Small Coin	4,83,000
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि National Agricultural Credit (Stabilisation) Fund	165,00,00,000		

देयताएं Liabilities	रुपये Rs.	आस्तीय Assets	रुपये Rs.
राष्ट्रीय आण्डोगिक ऋण (दीर्घकालीन प्रबत्तन) निधि National Industrial Credit (Long Term Operations) Fund	715,00,00,000	खरीदे गये बिल Bills Purchased and Discounted :— (क) देशी (a) Internal	56,46,37,000
जमा राशियां :— Deposits :— (क) सरकारी (a) Government		(ख) विदेशी (b) External	..
केन्द्रीय सरकार (i) Central Government	3400,00,91,000	(ग) सरकारी खजाना बिल (c) Government Treasury Bills	2944,87,02,000
राज्य सरकारें (ii) State Governments	10,38,91,000	विदेशों में रखा दूषा बकाया* Balances held Abroad	2098,08,20,000
(अ) बैंक (b) Banks		निवेश** Investments**	1377,95,37,000
अनुसूचित वाणिज्य बैंक (i) Scheduled Commercial Banks	2046,88,67,000	ऋण और अग्रिम :— Loans and Advances to :—	
अनुसूचित राज्य सहकारी बैंक (ii) Scheduled State Co-operative Banks	36,58,95,000	केन्द्रीय सरकार को Central Government	
गैर-अनुसूचित राज्य सहकारी बैंक (iii) Non-Scheduled State Co-operative Banks	2,30,90,000	राज्य सरकारों को@ State Governments@	497,90,20,000
अन्य बैंक Other Banks	2,16,80,000	ऋण और अग्रिम :— Loans and Advances to :—	
(ग) अन्य (c) Others	1778,27,10,000	अनुसूचित वाणिज्य बैंकों को (i) Scheduled Commercial Banks	159,88,16,000
देय बिल Bills Payable	194,28,67,000	राज्य सहकारी बैंकों को (ii) State Co-operative Banks	357,43,70,000
अन्य देयताएं Other Liabilities	1111,04,45,000	दूसरों को Others	50,00,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबत्तन) निधि से ऋण, अग्रिम और निवेश— Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—			
(क) ऋण और अग्रिम :— (a) Loans and Advances to :—			
राज्य सरकारों को State Governments			
राज्य सहकारी बैंकों को State Co-operative Banks			
केन्द्रीय भूमि-बन्धक बैंकों को Central Land Mortgage Banks			
कृषि पुनर्वित और विकास निगम को Agricultural Refinance and Development Corporation			
(ख) केन्द्रीय भूमिक्षेत्र बैंकों के डिवेचर्टों में निवेश (b) Investment in Central Land Mortgage Bank Debentures			
7,86,78,000			

देयताएं Liabilities	रुपये Rs.	आस्तियां Assets	रुपये Rs.
		राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और अधिम	
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
		राज्य सहकारी बैंकों को ऋण और अधिम	
		Loans and Advances to State Co-operative Banks	116,46,83,000
		राष्ट्रीय भौज्ञागिक ऋण (दीर्घकालीन प्रबन्धन) निधि से ऋण, अधिम और निवेशः	
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund :	
		(क) विकास बैंक को ऋण और अधिम	
		(a) Loans and Advances to the Development Banks	630,83,11,000
		(ख) विकास बैंक द्वारा जारी किये गये बांडों/ डिबेन्चरों में निवेश	
		(b) Investment in bonds/debentures issued by the Development Bank	..
		अन्य आस्तियां Other Assets	1211,52,05,000
रुपये Rupees	10111,95,36,000	रुपये Rupees	10111,95,36,000

*नकदी, भावधिक जमा और अन्यकालीन प्रतिश्रूतियां शामिल हैं।

*Includes Cash, Fixed Deposits and Short-term Securities.

**राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबन्धन) निधि और राष्ट्रीय भौज्ञागिक ऋण (दीर्घकालीन प्रबन्धन) निधि में से किये गये निवेश शामिल नहीं हैं।

**Excluding Investments from the National Agricultural Credit (Long term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबन्धन) निधि से प्रदत्त ऋण और अधिम शामिल नहीं है, परन्तु राज्य सरकारों को दिये गये अस्थायी ओवरड्रॉफ्ट शामिल हैं।

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†भारतीय रिजर्व बैंक अधिनियम की धारा 17(4)(g) के अधीन अनुमूलित बाणिज्य बैंकों को मीयादी बिलों पर अधिम दिये गये 2,76,00,000 रुपये शामिल हैं।

††Includes Rs. 2,76,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

‡राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबन्धन) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अधिम शामिल नहीं हैं।

††Excluding Loans and Advances from the National Agricultural Credit (Long term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

भारतीय रिजर्व बैंक

RESERVE BANK OF INDIA

कानून 2170.—भारतीय रिजर्व बैंक अधिनियम, 1934 के अनुसरण में मई 1978 के दिनांक 12 को समाप्त हुए साताहू के बिषय लेखा।

S.O. 2170.—An Account pursuant to the RESERVE BANK OF INDIA ACT, 1934 for the week ended the 12th day of May 1978

रुपये विभाग

ISSUE DEPARTMENT

देयताएँ	रुपये	रुपये	आस्तीय	रुपये	रुपये
Liabilities	Rs.	Rs.	ASSETS	Rs.	Rs.
बैंकिंग विभाग में रखे हुए					
नोट					
Notes held in the Banking Department	10,11,57,000		गोने का सिक्का और बुलियन :—		
सचलन में नोट			Gold Coin and Bullion		
Notes in circulation	9340,81,86,000		(क) भारत में रखा हुआ		
जारी किये गये कूल नोट			(a) Held in India	193,09,14,000	
Total Notes issued	9350,93,43,000		(ब) भारत के बाहर रखा हुआ		
			(b) Held outside India		
			विदेशी प्रतिष्ठितियाँ		
			Foreign Securities	1966,45,29,000	
			जोड़		
			Total	2159,54,43,000	
			रुपये का सिक्का		
			Rupee Coin	11,19,67,000	
			भारत सरकार की रुपया प्रतिष्ठितियाँ		
			Government of India Rupee Securities	7180,19,33,000	
			देशी विनियम बिल और दूसरे वाणिज्यपत्र		
			Internal Bills of Exchange and other Commercial paper		
कुल देयताएँ			कुल आस्तीय		
Total Liabilities	9350,93,43,000		Total Assets	9350,93,43,000	

दिनांक : 17 मई, 1978
Dated the 17th day of May, 1978ग्राही जी. पटेल, गवर्नर
I. G. Patel, Governor12 मई 1978 को भारतीय रिजर्व बैंक के बैंकिंग विभाग के कार्यकालाप का विवरण
Statement of the affairs of the Reserve Bank of India, Banking Department as on the 12th May, 1978

देयताएँ	रुपये	आस्तीय	रुपये
Liabilities	Rs.	Assets	Rs.
कृता पंजी			
Capital Paid Up	5,00,00,000	नोट	
प्रारम्भिक निधि		Notes	10,11,57,000
Reserve Fund	150,00,00,000	रुपये का सिक्का	
राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि		Rupee Coin	1,91,000
National Agricultural Credit (Long Term Operations) Fund	495,00,00,000	छोटा सिक्का	
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि		Small Coin	5,11,000
National Agricultural Credit (Stabilisation) Fund	165,00,00,000	खरीदे गये तुलादेशी बिल	
राष्ट्रीय शैक्षणिक ऋण (दीर्घकालीन प्रवर्तन) निधि		Bills Purchased and Discounted :—	
National Industrial Credit (Long Term Operations) Fund	715,00,00,000	(क) देशी	
जमा संणियाँ :—		(a) Internal	49,16,65,000
Deposits :—		(ब) विदेशी	
(क) सरकारी		(b) External	..
(a) Government		(ग) सरकारी खजाना बिल	
केन्द्रीय सरकार		(c) Government Treasury Bills	2771,19,16,000
(i) Central Government	2690,39,96,000	विदेशी में रखा हुआ बकाया*	
राज्य सरकारें		Balances Held Abroad*	2119,81,56,000
(ii) State Governments	7,60,35,000	निवेश**	
(ख) बैंक		Investments**	963,60,75,000
(b) Banks		ऋण और अधेन :—	
अनुसूचित वाणिज्य बैंक		Loans and Advances to :—	
(i) Scheduled Commercial Banks	1901,75,66,000	केन्द्रीय सरकार को	
		(i) Central Government	..

देवनार्थ Liabilities	रुपये Rs.	आस्तियां Assets	रुपये Rs.
प्रान्तुचित राज्य सहकारी बैंक		राज्य सरकारों को	
(ii) Scheduled State Co-operative Banks	30,63,41,000	(ii) State Governments	549,27,13,000
गैर प्रान्तुचित राज्य सहकारी बैंक		ऋण और अधिम :	
(iii) Non-Scheduled State Co-operative Banks	2,38,72,000	Loans and Advances to—	
अन्य बैंक		प्रान्तुचित वाणिज्य बैंकों को	
(iv) Other Banks	2,34,12,000	(i) Scheduled Commercial Banks [†]	140,18,13,000
(ग) अन्य		राज्य सहकारी बैंकों को	
(c) Others	1775,09,47,000	(ii) State Co-operative Banks ^{††}	353,45,53,000
देय बिल		दूसरों को	
Bills Payable	195,82,97,000	(iii) Others	1,11,00,000
अन्य देयताएँ		राष्ट्रीय कृषि ऋण (दोषकालीन प्रश्वर्तन) निधि से	
Other Liabilities	1134,27,83,000	ऋण, अधिम और निवेश	
		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
		(क) ऋण और अधिम :	
		(a) Loans and Advances to :	
		राज्य सरकारों को	
		(i) State Governments	111,13,22,000
		राज्य सहकारी बैंकों को	
		(ii) State Co-operative Banks	20,46,59,000
		केन्द्रीय अमिक्वेन्चर बैंकों को	
		(iii) Central Land Mortgage Banks	
		कृषि पुनर्वित्र और विकास निगम को	
		(iv) Agricultural Refinance and Development Corporation	152,00,00,000
		(ज) केन्द्रीय अमिक्वेन्चर बैंकों के डिवेलरों में निवेश	
		(b) Investment in Central Land Mortgage Bank Debentures	7,86,77,000
		राष्ट्रीय कृषि ऋण (स्टिरीकरण) निधि से ऋण और अधिम	
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
		राज्य सहकारी बैंकों को ऋण और अधिम	
		Loans and Advances to State Co-operative Banks 114,26,18,000	
		राष्ट्रीय औद्योगिक कृषि (दोषकालीन प्रश्वर्तन) निधि	
		से ऋण, अधिम और निवेश	
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	
		(क) विकास बैंक को ऋण और अधिम	
		(a) Loans and Advances to the Development Bank	645,29,81,000
		(ख) विकास बैंक द्वारा जारी किये गये बांडों/ डिवेलरों में निवेश	
		(b) Investment in bonds/debentures issued by the Development Bank	
		अन्य आस्तियां	
		Other Assets	1261,31,42,000
रुपये Rupees	9270,32,49,000	रुपये Rupees	9270,32,49,000

*नहीं आवश्यक जमा और प्रलाकालीन प्रतिपूतियां शामिल हैं।

*Includes Cash, Fixed Deposits and Short-term Securities.

**राष्ट्रीय कृषि ऋण (दोषकालीन प्रश्वर्तन) निधि और राष्ट्रीय औद्योगिक कृषि (दोषकालीन प्रश्वर्तन) निधि में से किये गये निवेश शामिल नहीं हैं।

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

(d) राष्ट्रीय कृषि ऋण (दोषकालीन प्रश्वर्तन) निधि से प्रदत्त कृषि और अधिम शामिल नहीं है, परन्तु राज्य सरकारों को दिये गये अस्थायी अंतर्राष्ट्रीय जामिल हैं।

② Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

अस्थायी रिजर्व बैंक अधिनियम की धारा 17(4)(ग) के अंतर्गत प्रान्तुचित वाणिज्य बैंकों को मीयादी बिलों पर अधिम दिये गये 2,76,00,000 रुपये शामिल हैं।

†Includes Rs. 2,76,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††राष्ट्रीय कृषि कृषि (दोषकालीन प्रश्वर्तन) निधि और राष्ट्रीय कृषि ऋण (स्टिरीकरण) निधि से प्रदत्त कृषि और अधिम शामिल नहीं है।

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

कांगड़ा 2171.—भारतीय रिजर्व बैंक अधिनियम, 1934 के अनुसरण में मई, 1978 के विशेष 19 को समाप्त हुए सप्ताह के लिये लेखा
S.O. 2171.—An Account pursuant to the RESERVE BANK OF INDIA ACT, 1934 for the week ended the 19th day of May, 1978

इण्ड विभाग

ISSUE DEPARTMENT

देयताएं Liabilities	रुपये Rs.	रुपये Rs.	आस्तियां Assets	रुपये Rs.	रुपये Rs.
बैंकिंग विभाग में रखे हुए			सोने का सिक्का और		
नोट			गोल्ड कॉइन और बलियन :—		
Notes held in the Banking Department	11,03,51,000		Gold Coin and Bullion		
संचलन में नोट			(क) भारत में रखा हुआ		
Notes in circulation	9353,09,68,000		(a) Held in India	193,09,14,000	
जारी किये गये कुल नोट			(ब) भारत के बाहर रखा		
Total Notes issued	9364,13,19,000		हुआ		
			(b) Held outside India		
			विदेशी प्रतिभूतियां		
			Foreign Securities	1966,45,29,000	
			जोड़		
			Total	2159,54,43,000	
			रुपये का सिक्का		
			Rupee Coin	9,39,36,000	
			भारत सरकार की रुपया		
			प्रतिभूतियां		
			Government of India Rupee Securities	7195,19,40,000	
			देशी धनिमय बिल और		
			दूसरे बाणिज्य-पत्र		
			Internal Bills of Exchange and other commercial paper		
कुल देयताएं Total Liabilities	9364,13,19,000		कुल आस्तियां Total Assets	9364,13,19,000	

दिनांक : 24 मई, 1978
Dated the 24th day of May 1978.

प्रार्द्धों जी० पटेल, गवर्नर
I. G. PATEL Governor

19 मई 1978 को भारतीय रिजर्व बैंक के बैंकिंग विभाग के कार्यकलाप का विवरण
Statement of the affairs of the Reserve Bank of India, Banking Department as on the 19th May, 1978

देयताएं Liabilities	रुपये Rs.	आस्तियां Assets	रुपये Rs.
चक्रता पंजी Capital Paid Up	5,00,00,000	नोट	
प्रारक्षित निधि Reserve Fund	150,00,00,000	रुपये का सिक्का	11,03,51,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबंधन) निधि National Agricultural Credit (Long Term Operations) Fund	495,00,00,000	Rupee Coin	2,09,000
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि National Agricultural Credit (Stabilisation) Fund	165,00,00,000	छोटा सिक्का	5,47,000
राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रबंधन) निधि National Industrial Credit (Long Term Opera- tions) Fund	715,00,00,000	बड़ी देशी और भूताये गये बिल Bills Purchased and Discounted :—	
		(क) देशी	51,27,56,000
		(a) Internal	
		(ब) विदेशी	
		(b) External	
		(ग) सरकारी खजाना बिल	
		(c) Government Treasury Bills	3199,80,93,000
		विदेशों में रखा हुआ बकाया*	
		Balances Held Abroad*	2124,27,63,000
		निवेश**	
		Investments**	992,83,06,000
		ऋण और अप्रिम :—	
		Loans and Advances to :—	
		केन्द्रीय सरकार को	
(i) Central Government	3226,93,71,000	(i) Central Government	
राज्य सरकारें			
(ii) State Governments	7,67,56,000		

देयताएं Liabilities	रुपये Rs.	आस्तिमां Assets	रुपये Rs.
(a) बैंक		राज्य सरकारों को	
(b) Banks		(ii) State Government ^g	598,20,42,000
प्रनुसूचित वाणिज्य बैंक		ऋण और अधिम :—	
(i) Scheduled Commercial Banks	1941.71,51,000	Loans and Advances to :—	
प्रनुसूचित राज्य सहकारी बैंक		प्रनुसूचित वाणिज्य बैंकों को	211,16,60,000
(ii) Scheduled State Co-operative Banks	28,14,83,000	राज्य सहकारी बैंकों को	352,51,02,000
पैर प्रनुसूचित राज्य सहकारी बैंक		दूसरों को	
(iii) Non-Scheduled State Co-operative Banks	2,37,32,000	Others	1,58,00,000
प्रत्यक्ष बैंक		राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबलंन) निधि से	
(iv) other Banks	2,48,10,000	ऋण, अधिम और निवेश	
(g) अन्य		Loans, Advances and Investments from	
(c) Others	1771.87,75,000	National Agricultural Credit (Long Term	
देय बिल		Operations) Fund	
Bills Payable	195,44,88,000	(f) ऋण और अधिम :—	
अन्य देयताएं		(a) Loans and Advances to :—	
Other Liabilities	1147.52,54,000	राज्य सरकारों को	110,95,61,000
		State Governments	
		राज्य सहकारी बैंकों को	20,31,81,000
		केन्द्रीय भूमध्यक बैंकों को	
		Central Land Mortgage Banks	
		कृषि पूँजीवाले और विकास निगम को	
		Agricultural Refinance and Development	
		Corporation	
		(g) केन्द्रीय भूमध्यक बैंकों के दिवेचरों में	
		निवेश	
		(b) Investment in Central Land Mortgage	
		Bank Debentures	7,86,77,000
		राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण	
		और अधिम	
		Loans and Advances from National Agricul-	
		ture Credit (Stabilisation) Fund	
		राज्य सहकारी बैंकों को ऋण और अधिम	
		Loans and Advances to State Co-operative	
		Banks	112,74,09,000
		राष्ट्रीय प्रौद्योगिक ऋण (दीर्घकालीन प्रबलंन)	
		निधि से ऋण, अधिम और निवेश	
		Loans, Advances and Investments from	
		National Industrial Credit (Long Term	
		Operations) Fund	
		(k) विकास बैंक को ऋण और अधिम	
		(a) Loans and Advances to the Development	
		Bank	646,04,82,000
		(x) विकास बैंक द्वारा जारी किये गये बोंडों/	
		डिवेचरों में निवेश	
		(b) Investment in bonds/debentures issued	
		by the Development Bank	
		अन्य आस्तिमा	
		Other Assets	1261,38,81,000
	रुपये Rupees	रुपये Rupees	
	9855.08,20,000	9854.08,20,000	

* नकदी, आवधिक जमा और अप्लानेट व्यापारियां शामिल हैं।

*Includes Cash, Fixed Deposits and Short term Securities.

**राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबलंन) निधि और राष्ट्रीय प्रौद्योगिक ऋण (दीर्घकालीन प्रबलंन) निधि में से किये गये निवेश शामिल नहीं हैं।

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

†राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबलंन) निधि से प्रदत्त ऋण और अधिम शामिल नहीं हैं, परन्तु राज्य सरकारों को दिये गये प्रस्थायी ग्रावरक्रॉफ्ट शामिल हैं।

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdraft to State Governments.

†††राष्ट्रीय रिजर्व बैंक अधिनियम की धारा 17(4)(g) के अधीन अनुसूचित वाणिज्य बैंकों को मीयादी बिलों पर अधिम दिये गये 2,76,00,000 रुपये शामिल हैं।

††Includes Rs. 2,76,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

†††राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबलंन) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अधिम शामिल नहीं हैं।

††††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

दिनांक : 24 मई, 1978
Dated the 24th day of May 1978.

404GI/78-6

ग्राही. जी. पटेल, गवर्नर
I. G. Patel, Governor
[No. F. 10/1/78-BOI]

का० आ० 2172.—भारतीय रिजर्व बैंक प्रधिनियम, 1934 के अनुसरण में मई 1978 के दिनांक 26 को समाप्त हुए सप्ताह के लिए लेखा

S.O. 2172.—An Account pursuant to the RESERVE BANK OF INDIA ACT, 1934 for the week ended the 26th day of May 1978

इष्ट विभाग

ISSUE DEPARTMENT.

देयताएँ Liabilities	रुपये Rs.	रुपये Rs.	प्राप्तियाँ ASSETS	रुपये Rs.	रुपये Rs.
बैंकिंग विभाग में रखे हुए नोट Notes held in the Banking Department.	11,28,01,000		सोने का सिक्का और बलियतः— Gold coin and Bullion		
संचलन में नोट Notes in circulation.	9302,06,20,0000	9313,34,21,000	(क) भारत में रखा हुआ (a) Held in India. 193,09,14,000		
जारी किये गये कुल नोट Total Notes issued.			(ख) भारत के बाहर रखा हुआ (b) Held outside India		
			विदेशी प्रतिभूतियाँ Foreign Securities.	2066,45,29,000	
					जोड़ Total 2259,54,43,000
			रुपये का सिक्का Rupee Coin 8,60,28,000		
			भारत सरकार की रुपया प्रतिभूतियाँ Government of India Rupee Securities. 7045,19,50,000		
			देशी चिनियाँ बिल और दुसरे वाणिज्य-पत्र Internal Bills of Exchange and other commercial paper.		
					जोड़ Total 9313,34,21,000
कुल देयताएँ Total Liabilities	9313,34,21,000		कुल प्राप्तियाँ Total Assets		

दिनांक : 31 मई, 1978
Dated the 31st day of May, 1978

क० एस० कृष्णस्वामी उप गवर्नर
K. S. KRISHNASWAMY Dy. Governor

26 मई, 1978 को भारतीय रिजर्व बैंक के बैंकिंग विभाग के कार्यकालाप का विवरण

STATEMENT OF THE AFFAIRS OF THE RESERVE BANK OF INDIA, BANKING DEPARTMENT as on the 26th May 1978.

देयताएँ Liabilities	रुपये Rs.	प्राप्तियाँ ASSETS	रुपये Rs.
चुकाता पूँजी Capital Paid Up	5,00,00,000	नोट Notes 11,28,01,000	
भारक्षित निधि Reserve Fund.	150,00,00,000	रुपये का सिक्का Rupee Coin 4,99,000	
राष्ट्रीय कृषि ऋण (दोषकालीन प्रवर्तन) निधि National Agricultural Credit (Long Term Operations) Fund.	495,00,00,000	छोटा सिक्का Small Coin 5,29,000	
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि National Agricultural Credit (Stabilisation) Fund.	165,00,00,000	खरीदे और भुनाये गये बिल Bills Purchased and Discounted :— (क) देशी 49,95,55,000	
राष्ट्रीय औद्योगिक ऋण (दोषकालीन प्रवर्तन) निधि National Industrial Credit (Long Term Operations) Fund.	715,00,00,000	(ख) देशी (a) Internal 49,95,55,000 (द) विदेशी (b) External (ग) सरकारी खजाना बिल (c) Government Treasury Bills 2882,21,90,000	
जमाराशियाँ :— Deposits :— (क) सरकारी (a) Government.		विदेश में रखा हुआ बकाया* Balance Held Abroad 1926,77,92,000	
केन्द्रीय सरकार (i) Central Government.	3304,73,34,000	निवेश** Investments 1324,24,20,000	
राज्य सरकारें (ii) State Governments.	8,10,61,000	ऋण और अप्रिम :— Loans and Advances to :— (i) Central Government ..	
(ख) बैंक (b) Banks		(ii) State Governments @ 562,60,84,000	
अनुसूचित वाणिज्य बैंक (i) Scheduled Commercial Banks.	1717,52,21,000	ऋण और अप्रिम :— Loans and Advances to :—	

देवताएं Liabilities	रुपये Rs.	आस्तियां Assets	रुपये Rs.
अनुसूचित राज्य सहकारी बैंक		अनुसूचित वाणिज्य बैंकों को †	
(ii) Scheduled State Co-operative Banks.	28,02,46,000	(i) Scheduled Commercial Banks.	196,27,55,000
गैर अनुसूचित राज्य सहकारी बैंक		राज्य सहकारी बैंकों को ††	
(iii) Non Scheduled State Co-operative Banks.	2,39,25,000	(ii) State Co-operative Banks	336,09,82,00,††
अन्य बैंक		समरों को	
(iv) Other Banks.	2,23,97,000	(iii) Others	55,0,000
अन्य		राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबर्तन) निधि से ऋण, अग्रिम और निवेश Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund.	
(c) Others	1785,70,19,000	(क) ऋण और अग्रिम: (a) Loans and Advances to:—	
देव बिल		राज्य सरकारों को	
Bills Payable	186,65,39,000	(i) State Governments.	110,94,24,000
अन्य देवताएं		राज्य सहकारी बैंकों को	
Other Liabilities	1038,79,36,000	(ii) State Co-operative Banks.	20,16,14,000
		केन्द्रीय मुमिकालीन बैंकों को	
		(iii) Central Land Mortgage Banks.	
		कृषि पुनर्वित्त और विकास निवेश को	
		(iv) Agricultural Refinance and Development Corporation.	152,00,00,000
		केन्द्रीय मुमिकालीन बैंकों के डिवेंचरों में निवेश	
		(b) Investment Central Land Mortgage Bank Debentures.	7,86,77,000
		राष्ट्रीय कृषि ऋण (स्थिरीकरण), निधि से ऋण और अग्रिम Loans and Advances from National Agricultural Credit (Stabilisation) Fund.	
		राज्य सहकारी बैंकों को ऋण और अग्रिम Loans and Advances to state Co-operative Banks.	115,08,14,000
		राष्ट्रीय भौद्योगिक ऋण (दीर्घकालीन प्रबर्तन) निधि से ऋण, अग्रिम और निवेश Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund.	
		विकास बैंक को ऋण और अग्रिम (a) Loans and Advances to the Development Bank.	660,58,52,000
		विकास बैंक द्वारा जारी किये गये बांडों/डिवेंचरों में निवेश	
		(b) Investment in bonds/debentures issued by the Development Bank.	
		अन्य आस्तियां Other Assets.	1247,41,90,000
रुपये Rupees	9604,36,78,000	रुपये Rupees	9604,36,78,000

*नकदी आबधिक जमा और अल्पकालीन प्रतिभूतियां शामिल हैं।

Includes Cash, Fixed Deposits and Short-term Securities.

**राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबर्तन) निधि और राष्ट्रीय भौद्योगिक ऋण (दीर्घकालीन प्रबर्तन) निधि में से किये गये निवेश शामिल नहीं हैं।
Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

⑨राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबर्तन) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं, परन्तु राज्य सरकारों को दिये गये प्रस्थायी भोवरड्राफ्ट शामिल हैं।
Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†भारतीय रिजर्व बैंक अधिनियम की धारा 17 (4) (g) के अधीन अनुसूचित वाणिज्य बैंकों को मीयादो बिलों पर अग्रिम दिये गये 2,76,00,000 रुपये शामिल हैं।

Includes Rs. 2,76,00,000 advanced to scheduled commercial banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

††राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबर्तन) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं।
Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

वितानक : 31 मई, 1978

उप गवर्नर

Dy. Governor

[No. F. 10/1/78—BOI]

क्रा० आ० 2173.—भारतीय रिजर्व बैंक अधिनियम, 1934 के अनुसूचा में जून 1978 के दिनांक 2 को सक्ताह हुए सक्ताह के लिए लेखा

S.O. 2173.—An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 2nd day of June, 1978.

इष्ट किभाग

ISSUE DEPARTMENT

देवताएँ Liabilities	रुपये Rs.	रुपये Rs.	प्रास्तियाँ ASSETS	रुपये Rs.	रुपये Rs.
बैंकिंग विभाग में रखे हुए नोट Notes held in the Banking Department.	10,34,38,000		सोने का सिक्का और बलियन :— Gold Coin and Bullion		
संचलन में नोट Notes in circulation.	9400,49,75,000		(क) भारत में रखा दुप्ता (a) Held in India	193,09,14,000	
जारी किये गये कुल नोट Total Notes issued		9410,84,13,000	(ख) भारत के बाहर रखा दुप्ता (b) Held outside India		
			विदेशी प्रतिभूतियाँ Foreign Securities	2166,45,29,000	
					जोड़ Total
			रुपये का सिक्का Rupee Coin	2359,54,43,000	
			भारत सरकार की बपता प्रतिभूतियाँ Government of India Rupee Securities	6,10,21,000	
कुल देवताएँ			देशी विनियम बिल और दूसरे वाणिज्य-पत्र Internal Bills of Exchange and other commercial paper	7045,19,49,000	
			कुल प्रास्तियाँ		
Total Liabilities	9410,84,13,000		Total Assets	9410,84,13,000	

दिनांक 7 जून, 1978

Dated the 7th day of June 1978.

के० इस कृष्णास्वामी, उप गवर्नर
K. S. KRISHNASWAMY, Dy. Governor.

2 जून 1978 को भारतीय रिजर्व बैंक के बैंकिंग विभाग के कार्यकालाप का विवरण

STATEMENT OF THE AFFAIRS OF THE RESERVE BANK OF INDIA, BANKING DEPARTMENT as on the 2nd June 1978

देवताएँ Liabilities	रुपये Rs.	प्रास्तियाँ ASSETS	रुपये Rs.
कृफता पूँजी Capital Paid Up	5,00,00,000	नोट Notes	10,34,38,000
प्रारक्षित निधि Reserve Fund.	150,00,00,000	रुपये का सिक्का Rupee Coin	2,31,000
राष्ट्रीय कृषि शृण (दीर्घकालीन प्रबत्तें) निधि National Agricultural Credit (Long Term Operations) Fund.	495,00,00,000	छोटा सिक्का Small Coin	4,03,000
राष्ट्रीय कृषि शृण (स्थिरीकरण) निधि National Agricultural Credit (Stabilisation) Fund.	165,00,00,000	खरीदे और भनाये गये बिल Bills Purchased and Discounted :— (क) देशी (a) Internal	55,64,11,000
राष्ट्रीय शृणीय शृण (दीर्घकालीन प्रबत्तें) निधि National Industrial Credit (Long Term Ope- rations) Fund.	715,00,00,000	(ख) विदेशी (b) External	..
जनमार्गशियाँ :— Deposits :— (क) सरकारी (a) Government		(ग) सरकारी खजाना बिल (c) Government Treasury Bills	3140,37,03,000
केन्द्रीय सरकार (i) Central Government	3256,16,47,000	विदेशों में रखा हुआ बंकाया* Balances Held Abroad* निवेश**	1781,40,47,000
राज्य सरकारें (ii) State Governments.	9,83,11,000	Investments**	1327,78,24,000
(ख) बैंक (b) Banks		कृषि और प्रग्राम :— Loans and Advances to :— (i) Central Government	..
प्रनुसूचित बाणिज्य बैंक (i) Scheduled Commercial Banks.	1903,53,82,000	(ii) State Governments@ कृषि और प्रग्राम :— Loans and Advances to :— (i) Scheduled Commercial Banks@	523,68,26,000
		प्रनुसूचित बाणिज्य बैंकों को (i) Scheduled Commercial Banks†	219,95,57,000

देयताएं Liabilities	रुपए Rs.	आस्तियां Assets	रुपए Rs.
भन्न सूचित राज्य सहकारी बैंक		राज्य सहकारी बैंकों को††	
(ii) Scheduled State Co-operative Banks.	29,58,77,000	(ii) State Co-operative Banks††	314,13,66,000
गेर भन्न सूचित राज्य सहकारी बैंक		दूसरों को	
(iii) Non-Scheduled State Co-operative Banks	2,40,46,000	(iii) Others	60,00,000
गन्य बैंक		राष्ट्रीय कृषि ऋण (रीर्खकालीन प्रबंतन) निधि से ऋण, प्रग्राम और विवेश	
(iv) Other Banks.	2,47,15,000	Loans, Advances and Investments from Na- tional Agricultural Credit (Long Term Opera- tions) Fund	
(ग) गन्य		(क) ऋण और प्रग्राम	
(c) Others	1776,31,37,000	(a) Loans and Advances to :—	
देय बिल		राज्य सरकारों को	
Bills Payable	152,54,33,000	(i) State Governments	110,84,21,000
गन्य देयताएं		राज्य सहकारी बैंकों को	
Other Liabilities	1040,50,80,000	(ii) State Co-operative Banks	20,08,61,000
		केन्द्रीय भूमिक्षणक बैंकों को	
		(iii) Central Land Mortgage Banks	
		कृषि पुनर्वित और विकास निगम को	
		(iv) Agricultural Refinance and Develop- ment Corporation	152,00,00,000
		(अ) केन्द्रीय समिक्षणक बैंकों के डिवेचरों में निवेश	
		(b) Investment in Central Land Mortgage Bank Debentures	7,86,77,000
		राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और प्रग्राम	
		Loans and Advances from National Agricul- tural Credit (Stabilisation) Fund	
		राज्य सहकारी बैंकों को ऋण और प्रग्राम	
		Loans and Advances to State Co-operative Banks	122,00,49,000
		राष्ट्रीय ग्रोथोग्रिक ऋण (रीर्खकालीन प्रबंतन) निधि से ऋण, प्रग्राम और निवेश	
		Loans, Advances and Investments from Na- tional Industrial Credit (Long Term Opera- tions) Fund	
		(क) विकास बैंक को ऋण और प्रग्राम	
		(a) Loans and Advances to the Development Bank	666,05,75,000
		(अ) विकास बैंक द्वारा जारी किये गये बांडों/डिवेचरों में निवेश	
		(b) Investment in bonds/debentures issued by the Development Bank	..
गन्य आस्तियां		गन्य आस्तियां	1248,52,39,000
Other Assets			
रुपये		रुपये	
Rupees	9703,36,28,000	Rupees	9703,36,28,000

*कर्तवी प्रावधिक जमा और भ्रष्टकालीन प्रतिभूतियां शामिल हैं।

*Includes Cash, Fixed Deposits and Short-term Securities.

**राष्ट्रीय कृषि ऋण (रीर्खकालीन प्रबंतन) निधि और राष्ट्रीय ग्रोथोग्रिक ऋण (रीर्खकालीन प्रबंतन) निधि में से किये गये निवेश शामिल नहीं हैं।

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

①राष्ट्रीय रिजर्व बैंक भवित्वित्यम को धारा 17(4) (ग) के अधीन भन्न सूचित वाणिज्य बैंकों को मियावी बिलों पर भविम दिये गये 2,76,00,000 रुपये शामिल हैं।

②Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†भारतीय रिजर्व बैंक भवित्वित्यम को धारा 17(4) (ग) के अधीन भन्न सूचित वाणिज्य बैंकों को मियावी बिलों पर भविम दिये गये 2,76,00,000 रुपये शामिल हैं।

††Includes Rs 2,76,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††राष्ट्रीय कृषि ऋण (रीर्खकालीन प्रबंतन) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रक्षस ऋण और प्रग्राम शामिल नहीं हैं।

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

क्रा० ना० 2174.—भारतीय रिजर्व बैंक अधिनियम, 1934 के अनुसरण में जून 1978 के दिनांक 9 को समाप्त हुए सप्ताह के लिए लेखा

S.O. 2174.—An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 9th day of June 1978.

इण्ड विभाग

ISSUE DEPARTMENT

देयताएं LIABILITIES	रुपये Rs.	रुपये Rs.	प्राप्तियां ASSETS	रुपये Rs.	रुपये Rs.
बैंकिंग विभाग में रखे हुए नोट			सोने का विक्रमा और बुलियन :—		
Notes held in the Banking Department	12,67,20,000		Gold Coin and Bullion		
संचलन में नोट			(क) भारत में रखा हुआ		
Notes in circulation	9576,74,19,000		(a) Held in India	193,09,14,000	
जारी किये गये कुल नोट			(ज) भारत के बाहर रखा हुआ		
Total Notes issued		9589,41,39,000	Held outside India		
कुल वेयताएं			विदेशी प्रतिभूतियां		
Total Liabilities		9589,41,39,000	Forcing Securities	2166,45,29,000	2359,54,43,000
दिनांक : 14 जून 1978			जोड़		
Dated the 14th day of June, 1978.			Total		
			रुपये का सिक्का		
			Rupee Coin	4,67,74,000	
			भारत सरकार की रुपया		
			प्रतिभूतियां		
			Government of India Rupee		
			Securities	7225,19,22,000	
			देशी विनियम बिल और दूसरे		
			वाणिज्य-पत्र		
			Internal Bills of Exchange and other commercial paper		
			कुल प्राप्तियां		
			Total Assets	9589,41,39,000	
			I.G. PATEL, Governor		
			आई० जी० पटेल, गवर्नर		

9 जून 1978 को भारतीय रिजर्व बैंक के बैंकिंग विभाग के कार्यकालाप का विवरण Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 9th June 1978.

देयताएं LIABILITIES	रुपये Rs.	प्राप्तियां ASSETS	रुपये Rs.
काव्यका पूँजी		नोट	
Capital Paid Up	5,00,00,000	Notes	12,67,20,000
आरक्षित निधि		रुपये का सिक्का	
Reserve Fund	150,00,00,000	Rupee Coin	2,30,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबंधन) निधि		छोटा सिक्का	
National Agricultural Credit (Long Term Operations) Fund	495,00,00,000	Small Coin	4,49,000
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि		जारी रखे और भुनाये गये बिल	
National Agricultural Credit (Stabilisation) Fund	165,00,00,000	Bills Purchased and Discounted :—	
राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रबंधन) निधि		(क) देशी	
National Industrial Credit (Long Term Operations) Fund	715,00,00,000	(a) Internal	61,03,82,000
जमाराशियां :—		(ज) विदेशी	
Deposits :—		(b) External	
(क) सरकारी		(ग) सरकारी खजाना बिल	
(a) Government		(c) Government Treasury Bills	2776,83,24,000
केन्द्रीय सरकार		विदेशी में रखा हुआ बकाया*	
(i) Central Government	2493,81,93,000	Balances Held abroad*	1796,78,42,000

देयताएं Liabilities	रुपए Rs.	आस्तियाँ Assets	रुपए Rs.
(ii) राज्य सरकारें (ii) State Governments	10,27,09,000	निवेश** Investments**	954,16,50,000
(ग) बैंक (b) Banks		ऋण और अग्रिम :— Loans and Advances to :—	
(i) प्रनुसूचित आणिज्य बैंक (i) Scheduled Commercial Banks	2102,39,84,000	(i) केन्द्रीय सरकार को (i) Central Government	—
(ii) प्रनुसूचित राज्य सहकारी बैंक (ii) Scheduled State Co-operative Banks	30,18,35,000	(ii) राज्य सरकारों को@ (ii) State Governments @	561,25,76,000
(iii) गैर-प्रनुसूचित राज्य सहकारी बैंक (iii) Non-Scheduled State Co-operative Banks	2,36,07,000	ऋण और अग्रिम :— Loans and Advances to :—	
(iv) अन्य बैंक (iv) Other Banks	2,15,34,000	(i) प्रनुसूचित आणिज्य बैंकों को† (i) Scheduled Commercial Banks†	317,88,12,000
(ग) अन्य (c) Others	1785,96,65,000	(ii) राज्य सहकारी बैंकों का†† (ii) State Co-operative Banks††	291,70,85,000
देय बिल Bills Payable	143,61,87,000	(iii) दूसरों को (iii) Others	1,50,00,000
अन्य देयताएं Other Liabilities	1065,25,11,000	राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबर्तन) निधि से ऋण, अग्रिम और निवेश Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
		(क) ऋण और अग्रिम :— (a) Loans and Advances to :—	
		राज्य सरकारों को (i) State Governments	110,84,21,000
		राज्य सहकारी बैंकों को (ii) State Co-operative Banks	19,88,48,000
		केन्द्रीय भूमिक्षक बैंकों को (iii) Central Land Mortgage Banks	—
		कृषि पुनर्वित और विकास निगम को (iv) Agricultural Refinace and Development Corporation	152,00,00,000
		(ख) केन्द्रीय भूमिक्षक बैंकों के डिवेंचरों में निवेश (b) Investment in Central Land Mortgage Bank Debentures	7,86,77,000
		राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और अग्रिम Loans and Advances from National Agri- cultural Credit (Stabilisation) Fund	
		राज्य सहकारी बैंकों को ऋण और अग्रिम Loans and Advances to State Co-operative Banks	121,83,54,000
		राष्ट्रीय श्रीधोगिक ऋण (दीर्घकालीन प्रबर्तन) निधि से ऋण, अग्रिम और निवेश Loans Advances and Investments from Nati- onal Industrial Credit (Long Term Operations) Fund	

देयताएं Liabilities	रुपए Rs.	आस्तियां Assets	रुपए Rs.
		(क) विकास बैंक को ऋण और प्रधिम	
		(a) Loans and Advances to the Development Bank	676,12,15,000
		(ख) विकास बैंक द्वारा जारी किये गये बांडों/डिबेन्चरों में निवेश	
		(b) Investment in bonds/debentures issued by the Development Bank	...
		अन्य आस्तियां Other Assets	1303,56,40,000
रुपये Rupees	रुपये Rupees	रुपये Rupees	रुपये Rupees
9166,02,25,000			9166,02,25000

*नकदी, आवधिक जमा और अद्यपकालीन प्रतिभतियाँ शामिल हैं।

*Includes Cash, Fixed Deposits and Short-term Securities.

**राष्ट्रीय कृषि ऋण (वीर्धकालीन प्रबंधन) निधि और राष्ट्रीय भौतिक ऋण (वीर्धकालीन प्रबंधन) निधि से किये गये निवेश शामिल नहीं हैं।
**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit

④ राष्ट्रीय कृषि अद्यता (वीर्यकालीन प्रबलता) निधि से प्रदत्त अद्यता और प्रतिम शामिल नहीं हैं, परन्तु राष्ट्रीय सरकारों को दिए गये अस्थायी शोबरद्रौंग शामिल हैं।
 ④ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary advances to State Governments.

†भारतीय रिजर्व बैंक व्याधितियम की धारा 17 (4) (ग) के अधीन अनुमति आणिज्य बैंकों को भौयादी बिलों पर अप्रिम दिये गये 2,76,00,000 रुपये शामिल हैं।
†Includes Rs. 2,76,00,000 advanced to scheduled commercial banks against bills under Section 17 (4) (c) of the Reserve Bank of India Act.

†राष्ट्रीय कृषि क्रण (दीर्घकालीन प्रबोधन) निधि और राष्ट्रीय कृषि क्रण (स्थिरकरण) निधि से प्रदत्त क्रण और अधिक शामिल नहीं हैं।
 ††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

दिनांक 17 अक्टूबर 1978

माई० जी० पटेल, गवर्नर

Dated the 14th day of June, 1978.

I. G. PATEL, Governor
[No. F 10/1/78-BOP]

२१८ वा २१९ वर्षात विवर भैरव परिवार १९३१ के प्रस्तुता में तथा १९७८ के दिनांक १६ वी समाप्त हुए सत्तार के विषय लेखा

S.O. 2175. An Account pursuant to the Reserve Bank Of India Act, 1934 for the week ended the 16th day of June 1978.

शण्ड विभाग
ISSUE DEPARTMENT

देयताएँ LIABILITIES	रुपए Rs.	रुपए Rs.	प्राप्तियाँ ASSETS	रुपये Rs.	रुपये Rs.
बैंकिंग विभाग में रखे हुए नोट Notes held in the Banking Department	10,98,18,000		सोने का सिक्का और बुलियनः— Gold Coin and Bullion		

संचलन में नोट
Notes in circulation 9582.66.19.000

(क) भारत में रखा हुआ 214,21,78,000

जारी किये गये कुल नोट
Total Notes issued 9593,64,37,000

(b) Held outside India

देयताएं Liabilities	रुपए Rs.	प्राप्तियां Assets	रुपए Rs.
		विदेशी प्रतिभूतियां Foreign Securities	2145,32,65,000
		ओंड Total	2359,54,43,000
		रुपये का सिक्का Rupee Coin	18,90,35,000
		भारत सरकार की रुपया प्रतिभूतियां Government of India Rupee Securities	7215,19,59,000
		देशी विनियम बिल और दूसरे बाणिज्य-पत्र Internal Bills of Exchange and other commercial paper	
कुल देयताएं Total Liabilities	9593,64,37,000	कुल प्राप्तियां Total Assets	9593,64,37,000
दिनांक: 21 जून, 1978 Dated the 21st day of June 1978		पी. र. नांगिया, उप गवर्नर P. R. NANGIA, Dy. Governor	

16 जून 1978 को भारतीय रिजर्व बैंक के बैंकिंग विभाग के कार्यकलाप का विवरण

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 16th June, 1978

देयताएं LIABILITIES	रुपये Rs.	प्राप्तियां ASSETS	रुपए Rs.
कूपता पूँजी Capital Paid up	5,00,00,000	नोट Notes	10,98,18,000
प्रारंभित निधि Reserve Fund	150,00,00,000	रुपये का सिक्का Rupee Coin	2,74,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबल्तन) निधि National Agricultural Credit (Long Term Operations) Fund	495,00,00,000	छोटा सिक्का Small Coin	4,32,000
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि National Agricultural Credit (Stabilisation) Fund	165,00,00,000	बारों और भुताये गये बिल Bills Purchased and Discounted :—	
National Industrial Credit (Long Term Operations) Fund	715,00,00,000	(क) देशी (a) Internal	74,03,44,000
जमाराशियां :—		(ख) विदेशी (b) External	
Deposits :—		(ग) सरकारी बजाना बिल (c) Government Treasury Bills	2179,29,52,000
(क) सरकारी (a) Government		विदेशों में रक्षा हुआ बकाया* Balances Held Abroad*	1732,95,74,000
(i) केन्द्रीय सरकार (i) Central Government	228,328,64,000	निवेश** Investments**	964,32,32,000
(ii) राज्य सरकारें (ii) State Governments	6,88,54,000	ऋण और अद्यता Loans and Advances to :—	
(ख) बैंक (b) Banks		(i) केन्द्रीय सरकार को (i) Central Government	
(i) प्रनुभूति बाणिज्य बैंक (i) Scheduled Commercial Banks	1732,75,05,000	(ii) राज्य सरकारों को@ (ii) State Governments@	636,27,93,000
(ii) प्रनुभूति राज्य सहकारी बैंक (ii) Scheduled State Co-operative Banks	28,39,18,000		

देयताएं Liabilities	रुपये Rs.	प्रासिद्धि Assets	रुपये Rs.
गैर प्रन्तु सूचित राज्य सहकारी बैंक		ऋण और प्रग्राम	
(iii) Non-Scheduled State Co-operative Banks	2,26,68,000	Loans and Advances to:—	
अन्य बैंक		प्रन्तु सूचित वाणिज्य बैंकों को†	
(iv) Other Banks	2,72,93,000	(i) Scheduled Commercial Banks†	265,87,12,000
(ग) अन्य		(ii) State Co-operative Banks††	286,55,12,000
(c) Others	1790,44,87,000	इन्होंने को	
देय बिल		(iii) Others	2,34,00,000
Bills Payable	136,41,36,000	राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबंधन) निधि से ऋण, प्रग्राम और निवेश	
अन्य देयताएं		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
Other Liabilities	985,79,34,000	(क) ऋण और प्रग्राम :—	
		(a) Loans and Advance to :—	
		राज्य सरकारों को	
		(i) State Governments	110,84,22,000
		राज्य सहकारी बैंकों को	
		(ii) State Co-operative Banks	19,53,56,000
		केन्द्रीय भूमिकालीन बैंकों को	
		(iii) Central Land Mortgage Banks	
		कृषि पुनर्वित और विकास निगम को	
		(iv) Agricultural Refinance and Development Corporation	151,80,00,000
		(ख) केन्द्रीय भूमिकालीन बैंकों को इन्हें रोपे में निवेश	
		(b) Investment in Central Land Mortgage Bank Debentures	7,86,77,000
		राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और प्रग्राम	
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
		राज्य सहकारी बैंकों को ऋण और प्रग्राम	
		Loans and Advances to State Co-operative Banks	120,20,14,000
		राष्ट्रीय शोधोगिक ऋण (दीर्घकालीन प्रबंधन) निधि से ऋण, प्रग्राम और निवेश	
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	
		(क) विकास बैंक को ऋण और प्रग्राम	
		(a) Loans and Advances to the Development Bank	678,68,85,000
		(ख) विकास बैंक द्वारा आयी किये गये बोधों/ हिस्तेभरों में निवेश	
		(b) Investment in bonds/debentures issued by the Development Bank	
		अन्य आविस्तरी	
		Others Assets	1257,32,62,000
रुपए Rupees	8498,96,59,000	रुपए Rupees	8498,96,59,000

*नकदी आवधिक जमा और अल्पकालीन प्रतिसूतियां शामिल हैं।

* Includes Cash, Fixed Deposits and Short-term Securities.

**राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबंधन) निधि और राष्ट्रीय शोधोगिक ऋण (दीर्घकालीन प्रबंधन) निधि में से किये गये निवेश शामिल नहीं हैं।

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

(ग) राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबंधन) निधि से प्रदत्त ऋण और प्रग्राम शामिल नहीं हैं परन्तु राज्य सरकारों को दिये गये अस्थायी औषधिक शामिल हैं।

ii) Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† भारतीय रिजर्व बैंक अधिनियम की धारा 17(4)(ग) के अधीन अनुमूलिक वाणिज्य बैंकों को मोयारी बिलों पर अग्रिम दिये गये 2,76,00,000 रुपये शामिल हैं।

† Includes Rs. 2,76,00,000 advanced to scheduled commercial banks against usance bills under section 17(4)(c) of the Reserve Bank of India Act.

†† राष्ट्रीय हृषि ऋण (वीर्यांकालीन प्रबलेन) निधि और राष्ट्रीय हृषि ऋण (स्थिरीकरण) निधि से प्रवत्त ऋण और अग्रिम शामिल नहीं हैं।

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

दिनांक : 21 जून, 1978
Dated the 21st day of June 1978

पी.आर. नांगिया, उप गवर्नर
P. R. NANGIA, Dy. Governor
[No. F. 10/1/78-BOI]

का. आ. 2176.—भारतीय रिजर्व बैंक अधिनियम, 1934 के अनुसरण में जून 1978 के दिनांक 23 को समाप्त हुए तत्ताह के लिए लेखा

S.O. 2176.—An Account pursuant to the RESERVE BANK OF INDIA ACT, 1934 for the week ended the 23rd day of June, 1978

रुपये विभाग

ISSUE DEPARTMENT

देयताएँ LIABILITIES	रुपये Rs.	रुपये Rs.	प्राप्तियाँ ASSETS	रुपये Rs.	रुपये Rs.
बैंकिंग विभाग में रखे हुए नोट Notes held in the Banking Department	14,19,33,000		सोने का सिक्का और बुलियन :— Gold Coin and Bullion		
संचलन में नोट Notes in circulation	9425,74,02,000		(क) भारत में रखा हुआ (a) Held in India	214,21,78,000	
जारी किये गये कुल नोट Total Notes issued	9439,93,35,000		(ब) भारत के बाहर रखा हुआ (b) Held outside India		
			विदेशी प्रतिभूतियाँ Foreign Securities	2145,32,65,000	
			जोड़ Total		2359,54,43,000
			रुपये का सिक्का Rupee Coin		20,18,94,000
			भारत सरकार की रुपया प्रतिभूतियाँ Government of India Rupee Securities		7060,19,98,000
			देशी विनियम बिल और वृसरे वाणिज्य-पत्र Internal Bills of Exchange and other commercial paper		
कुल देयताएँ Total Liabilities	9439,93,35,000		कुल प्राप्तियाँ Total Assets		9439,93,35,000

दिनांक : 28 जून, 1978
Dated the 28th day of June, 1978

श. गी. पटेल, गवर्नर
I. G. PATEL, Governor

23 जून, 1978 को भारतीय रिजर्व बैंक के बैंकिंग विभाग के कार्यकलाप का विवरण

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 23rd June, 1978

देयताएं LIABILITIES	रुपये Rs.	आस्तियां ASSETS	रुपये Rs.
चुकाता पूँजी Capital Paid up	5,00,00,000	नोट Notes	14,19,33,000
आरक्षित निधि Reserve Fund	150,00,00,000	रुपये का सिक्का Rupee Coin	5,17,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबलंन) निधि National Agricultural Credit (Long Term Operations) Fund	495,00,00,000	छोटा सिक्का Small Coin	4,22,000
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि National Agricultural Credit (Stabilisation) Fund	165,00,00,000	खरीदे और भुनाये गये निल Bills Purchased and Discounted :—	
(क) देशी (a) Internal		(क) देशी (a) Internal	88,90,05,000
(ख) विदेशी (b) External		(ख) विदेशी (b) External	
(ग) सरकारी खजाना बिल (c) Government Treasury Bills		(ग) सरकारी खजाना बिल (c) Government Treasury Bills	1938,08,85,000
बिदेशों में रखा हुआ बकाया* Balances Held Abroad*		बिदेशों में रखा हुआ बकाया* Balances Held Abroad*	1773,41,71,000
निवेश** Investments**		निवेश** Investments**	1016,23,077,000
ऋण और अधिस :— Loans and Advances to :—		ऋण और अधिस :— Loans and Advances to :—	
(क) केन्द्रीय सरकार (i) Central Government	1922,31,28,000	(क) केन्द्रीय सरकार को (i) Central Government	
राज्य सरकारें (ii) State Governments	7,87,62,000	राज्य सरकारें को@ (ii) State Governments@	613,89,22,000
(ब) बैंक (b) Banks		ऋण और अधिस :— Loans and Advances to :—	
प्रनुसारित वाणिज्य बैंक (i) Scheduled Commercial Banks	1937,49,53,000	प्रनुसारित वाणिज्य बैंकों को (i) Scheduled Commercial Banks—	292,60,19,000
प्रनुसारित राज्य सहकारी बैंक (ii) Scheduled State Co-operative Banks	33,14,37,000	राज्य सहकारी बैंकों को@† (ii) State Co-operative Banks@†	281,95,45,000
गैर-प्रनुसारित राज्य सहकारी बैंक (iii) Non-Scheduled State Co-operative Banks	2,32,84,000	दूसरों को (iii) Others	3,09,00,000
अन्य बैंक (v) Other Banks	3,29,12,000	राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रबलंन) निधि से ऋण, अधिस और निवेश Loans, Advances and Investments from National Agricultural Credit (Long Term Operation) Fund	
(ग) अन्य (c) Others	1806,38,05,000		

देयताएं Liabilities	रुपये Rs.	आस्तियां Assets	रुपये Rs.
देय बिल Bills Payable	147,53,52,000	(क) ऋण और अधिमः— (a) Loans and Advances to— राज्य सरकारों को	
अन्य देयताएं Other Liabilities	994,84,59,000	(i) State Governments राज्य सहकारी बैंकों को	110,80,49,000
		(ii) State Co-operative Banks केन्द्रीय भूमिक्षेत्रक बैंकों को	19,27,02,000
		(iii) Central Land Mortgage Banks कृषि उमर्जित और विकास निधि को	
		(iv) Agricultural Refinance and Development Corporation (x) केन्द्रीय भूमिक्षेत्रक बैंकों के डिवेंचरों में निवेश	151,80,00,000
		(b) Investment in Central Land Mortgage Bank Debentures राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और अधिमः	7,86,77,000
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund राज्य सहकारी बैंकों को ऋण और अधिमः	
		Loans and Advances to State Co-operative Banks राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रवर्तन) निधि से ऋण अधिमः और निवेश	119,77,88,000
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund दीर्घकालीन प्रवर्तन औद्योगिक ऋण (दीर्घकालीन प्रवर्तन) निधि से किये गये निवेश शामिल नहीं हैं।	
		(क) विकास बैंक को ऋण और अधिमः (a) Loans and Advances to the Development Bank (x) विकास बैंक द्वारा आसी किये गये बांडों/ डिवेंचरों में निवेश	688,45,35,000
		(b) Investment in bonds/debentures issued by the Development Bank अन्य आस्तियां Other Assets शामिल हैं।	
			1264,75,45,000
रुपये Rupees	8385,20,92,000	रुपये Rupees	8385,20,92,000

* नकदी, आवधिक जमा और अस्तकालीन प्रतिभूतियां शामिल हैं।

*Includes Cash, Fixed Deposits and Short-term Securities.

** राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि और राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रवर्तन) निधि में से किये गये निवेश शामिल नहीं हैं।

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Credit (Long Term Operations) Fund.

(@) राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि से प्रदत्त ऋण और अधिमः शामिल नहीं हैं परन्तु राज्य सरकारों का दिये गये अस्थायी और राष्ट्रीय शामिल हैं।

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† भारतीय रिजर्व बैंक अधिनियम की धारा 17(4)(ग) के अधीन अनुसूचित वाणिज्य बैंकों को मीयादी बिलों पर अधिमः दिये गये 2,76,00,000 रुपये शामिल हैं।

† Includes Rs. 2,76,00,000 advanced to scheduled commercial banks against usance bills under section 17(4)(c) of the Reserve Bank of India Act.

‡ राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अधिमः शामिल नहीं हैं।

Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

दिनांक : 28 जून, 1978

Dated the 28th day of June, 1978

ग्राही गोपनीय गवर्नर
I. G. PATTI, Governor
[No. F. 10/1/78-BOI]

नॉ. व० मीरचंदानी, अयर मन्जिल
C. W. MIRCHANDANI, Under S

(राजस्व विभाग)
नई विल्ली, 24 जुलाई, 1978
सीमा-शुल्क

का. आ. 2177.—केन्द्रीय सरकार, सीमा-शुल्क अधीनियम, 1962 (1962 का 52) की धारा 152 के खण्ड (क) द्वारा प्रदत्त शीक्षणीय का प्रयोग करते हुए, भारत सरकार के वित्त मंत्रालय (राजस्व और सीमा विभाग) की अधिसूचना सं. 100/75-सीमा-शुल्क, तारीख 5 दिसम्बर, 1975 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में परन्तुक के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

परन्तु उक्त अधीनियम की धारा 61 के उक्त खण्ड के अधीन सीमा-शुल्क कलक्टर द्वारा बढ़ाई गई अवधि—
(1) खण्ड (क) में निर्दिष्ट अनुपभोज्य सामग्री की दशा में वार वर्ष, और

(2) खण्ड (ख) में निर्दिष्ट माल की दशा में दो वर्ष की अवधि के बावजूद एक वर्ष से अधिक नहीं होगा।

[सं. 144/78 सी. श./फा. स. 473/82/78-सी. श. 7]

एन. कृष्णमूर्ति, अवर सचिव

(Department of Revenue)

New Delhi, the 24th July, 1978

CUSTOMS

S.O. 2177.—In exercise of the powers conferred by clause (a) of section 152 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following amendment in the notification of the Government of India, in the Ministry of Finance (Department of Revenue and Insurance) No. 100/75-Customs, dated the 5th December, 1975, namely :—

In the said notification, for the proviso, the following shall be substituted, namely :—

Provided that the period extended by the Collector of Customs under the said clause shall not exceed one year beyond the periods of—

- (i) four years in the case of non-consumable stores referred to in clause (a); and
- (ii) two years in the case of goods referred to in clause (b),

of section 61 of the said Act.

[No. 144/78-Cus/F No. 473/82/78-Cus. VII.]

N. KRISHNAMURTHY, Under Secy.

(प्राधिक कार्य विभाग)

नई विल्ली 12 जुलाई 1978

का. आ. 2178.—केन्द्रीय सरकार कोइनेज अधिनियम 1906 (1906 का 3) की धारा 7 के साथ पठित धारा 21 की उपधारा (1) द्वारा प्रदत्त शीक्षणीय का प्रयोग करते हुए निम्नलिखित नियम बनाती है अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ :— (1) इन नियमों का नाम कोइनेज (सबके लिए अनाज और मकान के लिए डाले गए पचास रुपए और दस रुपए के सिक्कों और दस पैसे और पांच पैसे के सिक्कों का भार और उनके गुणों के अन्तर की सीमा) नियम, 1978 है।

(2) ये नियम 15 अगस्त 1978 को लाग हो जाएंगे।

2. सबके लिए अनाज और मकान के लिए डाले गए सिक्कों से में अनुजात सानीकत भार और उनके गुणों के अन्तर की सीमा—कोइनेज (अधिनियम 1906 (1906 का 3) की धारा 6 के उपधारों के अधीन दाले गए निम्नलिखित सिक्कों का भार और उनके निर्माण में गुणों के अन्तर की सीमा वह होगी जो नीचे की सारणी में निर्दिष्ट है :—

सारणी

अनुजात गुणों के अन्तर की सीमा

सिक्के का मूल्य	भार	मिश्रण	भार
(1)	(2)	(3)	(4)
50 रुपए	35 ग्राम	चांदी के लिए 2000 ग्रा	1/100 ग्रा धन
		अशं धन या अण अर्थात्	या अण अर्थात्
		प्रति एक हजार में चांदी	भार 34.650
		की मात्रा 498 से 502	ग्राम से 35.350
		तक हो सकती है।	ग्राम हो सकता
			है।
10 रुपए	25 ग्राम	तांबा और निकल	1/40 ग्रा अंश धन या
		दोनों के लिए	अण अर्थात् भार
		1/100 ग्रा अंश धन	24.375 ग्राम से
		या अण अर्थात्	25.625 ग्राम तक
		तांबा 74 प्रतिशत	हो सकता है।
		तक और निकल	
		24 प्रतिशत से	
		26 प्रतिशत तक	
		हो सकता है।	
10 पैसे	2.30 ग्राम	मैग्नेशियम 3.5 से 1/40 ग्रा अंश धन या	
		4 प्रतिशत शेष अण।	
		एस्ट्रूमीनियम।	
5 पैसे	1.3 ग्राम	मैग्नेशियम 3.5 से 1/40 ग्रा अंश धन या	
		4 प्रतिशत शेष अण।	
		एस्ट्रूमीनियम।	

[सं. एफ. 1/62/77-कोइन]

(Department of Economic Affairs)

New Delhi, 12th July, 1978

S.O. 2178.—In exercise of the powers conferred by sub-section (1) of section 21 read with section 7 of the Coinage Act (3 of 1906) the Central Government hereby makes the following rules, namely :—

1. Short title and commencement :— (i) These rules may be called the Coinage (Weight and Remedy of Coins of Rupees Fifty and Ten and Paise Ten and Five Coined for Food and Shelter For All) Rules 1978.

(ii) They shall come into force on the 15th day of August, 1978.

2. Standard weight and remedy allowed on coins coined for Food and Shelter for All :—The standard weight of the follow-

ing coins, coined under the provisions of section 6 of the Coinage Act, 1906 (3 of 1906), and the remedy allowed in the making of such coins shall be as specified in the Table below :—

TABLE

Denomina- tion	Weight	Remedy allowed	
		In composition	In weight
50 Rupees	35 grammes	Two thousandth plus or minus for silver i.e. the silver contents could vary from 498 to 502 per thousand	1/100th plus or minus i.e. the weight could vary from 34.650 grammes to 35.350 grammes.
10 Rupees	25 grammes	1/100th plus or minus both for copper and nickel i.e. copper could vary from 74% to 76% and nickel from 24% to 26%.	1/40th plus or minus i.e. the weight could vary from 24.375 grammes to 25.625 grammes.
10 Paise	2.30 grammes	Magnesium 3.5 to 4% Aluminium remainder.	1/40th plus or minus
5 Paise	1.50 grammes	Magnesium 3.5 to 4% Aluminium remainder.	1/40th plus or minus.

[No. F. 1/62/77-Coin]

का.ला. 2179.—केन्द्रीय सरकार, कोइंजेज अधिनियम, 1906 (1906 का 3) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्धारण करती है कि नीचे दिए गए सिक्कों को केन्द्रीय सरकार के प्रतिकरण के अधीन निर्यात के लिए दाता जाएगा और ऐसे सिक्के नीचे दिए गए आधार, डिजाइन और मिश्रण के अनुरूप होंगे, अर्थात् :—

सिक्के का आकार और कटाओं की संख्या	आतु मिश्रण	(1)	(2)	(3)	(4)
मूल्य अधार					
पाचास रुपए बृताकार 44 मिली-मीटर	चतुर्भास्तुक आतु मिश्रण चारी 50 प्रतिशत तांबा 40 प्रतिशत निकल 5 प्रतिशत जिक (जस्ता) 5 प्रतिशत ।	बृताकार 44 मिली-मीटर	200		
दस रुपए	तांबा-निकल तांबा 7.5 प्रतिशत निकल 25 प्रतिशत ।				
दस रुपए	एल्यूमीनियम बैगनी-शियम, मैगनिशियम 3.5 से 4 प्रति-शत और शेष एल्यू-मीनियम ।	बृताकार 39 मिली-मीटर	180		
इत्यहि		कटवावार किमारे वाले (12 कटवा) प्रत्येक कटवा की तूरी 26 मिलीमीटर ।			

(1)	(2)	(3)	(4)
पांच पैसे	गोल किनारों के साथ बग्गेकार किनारों के बीच 22 मिली मीटर सपाठ 19मि-मीटर ।	एल्यूमीनियम बैग-नीशियम मैगनिशियम 3.5 से 4 प्रतिशत और शेष एल्यू-मीनियम ।	

डिजाइन :

5 रुपए :

प्रथमांश :— सिक्के के मुख भाग पर अशोक स्तम्भ का सिंह शीर्ष अंकित होगा और ऊपर की बायीं परिधि पर “भारत” और ऊपर की दायीं परिधि पर “INDIA” अंकित होगा । इस पर अंतर्राष्ट्रीय अंकों में सिक्कों का मूल्य “50” अंकित होगा तथा बायीं और की निचली परिधि पर “रुपए” और दायीं और की निचली परिधि पर “RUPEES” अंकित होगा ।

पृष्ठ भाग :— सिक्के के इस भाग का डिजाइन विकास प्रधान डिजाइन होगा, जो अनाज और मकान का प्रतीक होगा, बायीं और अनाज की बाली, ऊपर दायीं और एक मकान का शैली रूप में चित्रण होगा और दीर्घ दायीं और छोटी नदी होगी । परिधि के जारी और ऊपरी ओर भाग पर “सबके लिए अनाज और मकान” अंकित होगा और नीचे के आधे भाग पर “FOOD & SHELTER FOR ALL” अंकित होगा । मकान का चित्रण करने वाले प्रतीक के ऊपर अंतर्राष्ट्रीय अंकों में “1978” अंकित होगा ।

10 रुपए :

प्रथम भाग :— सिक्के के मुख भाग पर अशोक स्तम्भ का सिंह शीर्ष अंकित होगा और ऊपर की बायीं परिधि पर “भारत” शब्द और ऊपर की दायीं परिधि पर “INDIA” शब्द अंकित होगा । इस पर अंतर्राष्ट्रीय अंकों में सिक्के का मूल्य “10” तथा दायीं और की निचली परिधि पर “रुपए” शब्द और दायीं ओर की नीचली परिधि पर “RUPEES” शब्द भी अंकित होगा ।

पृष्ठ भाग :— सिक्के के इस भाग का डिजाइन विकास प्रधान डिजाइन होगा, जो अनाज और मकान का प्रतीक होगा; बायीं और अनाज की बाली, ऊपर दायीं और एक मकान का शैली रूप में चित्रण होगा और नीचे दायीं और छोटी नदी होगी । परिधि के आरों और ऊपरी ओर भाग पर “सबके लिए अनाज और मकान” अंकित होगा और नीचे के आधे भाग पर “FOOD & SHELTER FOR ALL” अंकित होगा । मकान का चित्रण करने वाले प्रतीक के ऊपर अंतर्राष्ट्रीय अंकों में “1978” अंकित होगा ।

(1)

(2)

10 पैसे

भाग भाग—सिक्के के मुख भाग पर अंकित स्तम्भ का भिन्न भिन्न अंकित होगा और ऊपर की दायीं परिधि पर “भारत” शब्द और ऊपर की दायीं परिधि पर “INDIA” शब्द अंकित होगा। इस पर अंतर्राष्ट्रीय अंकों में सिक्के का मूल्य “10” अंकित होगा तथा दायीं ओर की नीचली परिधि पर “पैसे” शब्द और दायीं ओर की नीचली परिधि पर “PAISE” शब्द अंकित होगा :

पृष्ठ भाग—सिक्के के इस भाग का डिजाइन विकास प्रधान डिजाइन होगा, जो श्रनाज और मकान का प्रतीक होगा, दायीं ओर श्रनाज की बाली, ऊपर दायीं ओर एक मकान का गोली रूप में चित्रण होगा और नीचे दायीं ओर छोटी नदी होगी। परिधि के चारों ओर ऊपरी आधे भाग पर “सब के लिए श्रनाज और मकान” अंकित होगा और नीचे के आधे भाग पर “SHELTER FOR ALL” अंकित होगा। मकान का चित्रण करने वाले प्रतीक के ऊपर अंतर्राष्ट्रीय अंकों में “1978” अंकित होगा।

5 पैसे :

मुख भाग—सिक्के के मुख भाग पर अंकित स्तम्भ का सिंह शीर्ष अंकित होगा और ऊपर की दायीं परिधि पर “भारत” शब्द और ऊपर की दायीं परिधि पर “INDIA” शब्द अंकित होगा। इस पर अंतर्राष्ट्रीय अंकों में सिक्के का मूल्य “5” अंकित होगा जिसके बायीं ओर की नीचली परिधि पर “पैसे” शब्द और दायीं ओर की नीचली परिधि पर “PAISE” शब्द अंकित होगा।

पृष्ठ भाग—सिक्के के इस भाग का डिजाइन विकास प्रधान डिजाइन होगा, श्रनाज और मकान का प्रतीक होगा, दायीं ओर श्रनाज की बाली, ऊपर दायीं ओर एक मकान का गोली रूप में चित्रण होगा और नीचे दायीं ओर छोटी नदी होगी। परिधि के चारों ओर ऊपरी आधे भाग पर “सब के लिए श्रनाज और मकान” अंकित होगा। और नीचे के आधे भाग पर “FOOD AND SHELTER FOR ALL” अंकित होगा, मकान का चित्रण करने वाले प्रतीक के ऊपर अंतर्राष्ट्रीय अंकों में “1978” अंकित होगा। यह अधिसूचना 15 अगस्त, 1978 से प्रवृत्त होगी।

[सं. का०-१/६२/७७-कौहन]

एस० एल० दत्त, अवर सचिव।

S.O. 2179.—In exercise of the powers conferred by section 6 of the Coinage Act, 1906 (3 of 1906), the Central Government hereby determines that the coins of the following denominations shall also be coined at the Mint for issue under the authority of

the Central Government such coins shall conform to the following dimensions, designs and composition, namely:—

Denomination	Shape and diameter	Number of serrations	Metal composition
Fifty Rupees	Circular 44 mm	200	Quaternary alloy : Silver 50% Copper 40% Nickel 5% Zinc 5%
Ten Rupees	Circular 39 mm	180	Cupro-Nickel : Copper 75% Nickel 25%
Ten Paise	Scalloped		Aluminium Magnesium : (12 scallops) 26 mm across scallops
Five Paise	Square with rounded corners		Aluminium Magnesium Magnesium 3.5% to 4% aluminium remainder

Designs :

10 Rupees :

Obverse :

This face of the coin shall bear the Lion Capital of Ashoka Pillar flanked on the left upper periphery with the word “भारत” and on the right upper periphery with the word “INDIA”. It shall also bear the denominational value “50” in international numerals flanked on the left lower periphery with the word “रुपए” and on the right lower periphery with the word “Rupees”.

Reverse :

This face of the coin shall have a development oriented design symbolising food and shelter on the left, an ear of corn, on the upper right a stylised depiction of a house and on the lower right rivulet. Around the periphery will be inscribed the theme “सब के लिए श्रनाज और मकान” on the upper half and “FOOD & SHELTER FOR ALL” on the lower half, with the year “1978” in international numerals above the symbol depicting a house.

10 Rupees :

Obverse :

This face of the coin shall bear the Lion Capital of Ashoka Pillar flanked on the left upper periphery with the word “भारत” and on the right upper periphery with the word “INDIA”. It shall also bear the denominational value “10” in international numerals flanked on the left lower periphery with the word “रुपए” and on the right lower periphery with the word “RUPPEES”.

Reverse : This face of the coin shall have a development oriented design symbolising food and shelter on the left, an ear of corn, on the upper right a stylised depiction of a house and on the lower right a rivulet. Around the periphery will be inscribed the theme "सब के लिए अनाज और मकान" on the upper half and "FOOD & SHELTER FOR ALL" on the lower half, with the year "1978" in international numerals above the symbol depicting a house.

10 Paise

Obverse :

This face of the coin shall bear the Lion Capital of Ashoka Pillar flanked on the left upper periphery with the word "भारत" and on the right upper periphery with the word "INDIA". It shall also bear the denominational value "10" in international numerals flanked on the left lower periphery with the word "दसे" and on the right lower periphery with the word "PAISE".

Reverse :

This face of the coin shall have a development oriented design symbolising food and shelter on the left, an ear of corn, on the upper right a stylised depiction of a house and on the lower right a rivulet. Around the periphery will be inscribed the theme "सब के लिए अनाज और मकान" on the upper half and "FOOD & SHELTER FOR ALL" on the lower half with the year "1978" in international numerals above the symbol depicting a house.

5 Paise :

Obverse :

This face of the coin shall bear the Lion Capital of Ashoka Pillar flanked on the left upper periphery with the word "भारत" and on the right upper periphery with the word "INDIA". It shall also bear the denominational value "5" in international numeral flanked on the left lower periphery with the word "पासे" and on the right lower periphery with the word "PAISE".

Reverse :

This face of the coin shall have a development oriented design symbolising food and shelter on the left, an ear of corn, on the upper right a stylised depiction of a house and on the lower right a rivulet. Around the periphery will be inscribed the theme "सब के लिए अनाज और मकान" on the upper half and "FOOD & SHELTER FOR ALL" on the lower half, with the year "1978" in international numerals above the house.

2. This notification shall come into force on the 15th day of August, 1978.

[No. F. 1/62/77-Coin]
S. L. DUTT, Under Secy.

केन्द्रीय उत्पादन शुल्क और सीमांशुल्क के समाहृता का कार्यालय, पुणे
(महाराष्ट्र)

पुणे, 19 जून, 1978

सीमांशुल्क

का० आ० 2180.—सीमांशुल्क अधिनियम 1962 की धारा 152 के अंदर (क) के प्रधीन जारी की गयी, वित्त मंत्रालय की अधिसूचना सं० 79-सीमांशुल्क, का०सं० 473/2/75 सीमांशुल्क-VII दिनांक 18 जुलाई 1975 के साथ पठित सीमांशुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैं एतद्वारा महाराष्ट्र राज्य के, याना जिसे मैं स्थित "भिवंडी" को, 'मालगोदाम केन्द्र' घोषित करता हूं।

[प्रधिसूचना सं० 9/सीमांशुल्क/78/48/का० सं० VIII (सीमांशुल्क)
40-13/टी०ई०/78]

जे० एस० वर्मा, समाहृता

Office of the Collector of Central Excise & Customs, Poona
(Maharashtra)

Pune, the 19th June, 1978

CUSTOMS

S.O. 2180.—In exercise of the Powers conferred by section 9 of the Customs Act 1962 (52 of 1962) read with Ministry of Finance Notification No. 79-Customs F. No. 473/2/75-Cus-VIII dated the 18th July, 1975, issued under clause (A) of section 152 of the Customs Act 1962, I hereby declare "Bhiwandi" in Thana Dist., in the State of Maharashtra as a warehousing station.

[Notification No. 9/Cus./78/48/F. No. VIII(Cus)40-13/TE/78]

J. M. VERMA, Collector

समाहृतालय केन्द्रीय उत्पाद शुल्क, नागपुर

नागपुर, 6 जुलाई, 1978

केन्द्रीय उत्पाद शुल्क

का० आ० 2181.—केन्द्रीय उत्पादशुल्क नियम 1944 के नियम 15 और 16 द्वारा मुख्यमें निहित प्रवेश शक्तियों का प्रयोग करते हुए और तकालीन मध्य प्रवेश इवं विवर्ध समाहृतालय के अधिसूचना सं० 8/1968 (केन्द्रीय उत्पाद शुल्क) दिनांक 28 अक्टूबर 1968, जो समय-समय पर संशोधित किया गया है, का अधिकारण करते हुए मैं अधिसूचित करता हूं कि केन्द्रीय उत्पादन शुल्क नियम 1944 के नियम 15 के अनुसार एक तम्बाकू उत्पादन करते वाला बिना घोषणा किये हवा में अभिसाधित भारतीय तम्बाकू की खेती 12 एर्ज तक सीमा में कर सकता है और एक संसाधक नियम 16 तरेब के अनुसार घोषणा न करते हुए 60 किलो के सीमित तक हवा में अभिसाधित भारतीय तम्बाकू संलग्न सारणी के कालम 3 में दर्शाये गये गाबों को छोड़कर कालम 2 में दर्शाये गये राजस्व जिल्हों की सीमा में सिमा सकता है।

कम से कम का नाम राजस्व ग्रामों के नाम जिन्हें धारा 15 तथा 16 के सं० भेजान्तर्गत जिल्हे अन्तर्गत छूट नहीं हैं

(1)	(2)	(3)
1. नागपुर जिला	टिनरडो, रायवाडी, बांगी, हस्सापुर, काटोल, सिरस्थाड, फेटरी, घिवरखाडी, बांधोडा सावनेर, बिरसगाव, कामठी, बिल बिना, केलापुर, लैरी, रामटेक, राजोली, खंडाला, पिपरी-खंडाला आष्टी, तुंडाला, सुमसर, बापरखेडा, कालवराडी, धारसा, रहडी,	

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कडोली, सिंगला, नेकुन्ड, लपका, मौदा, महारपेठ, खात, खोन्डवारा, बुटीवोरी, फोलार, बोकारो, घडोडा ।

2. चन्द्रपुर जिला लाडोजी, पोडसा, लाठी, विहर, चिंचलघाडा, पोम्बूर्ना, नारंडा, रमेशगुन्डम, कोरला, मेडापल्ली (जमलगढ़ा) ।

3. येत्तमाल जिला कोलगांव, खंडाला, डोंगरगांव, केरमाना, चिंचाली, माजरा, बिटरगांव, इस्सापुर, पारडी (निमाई) संगमचिंचोल ।

4. भंडारा जिला सातोना ।

5. अमरावती जिला अखातवाडा, अफसलपुर, रामा, अबिटपुर, नारायनपुर, मजरुलवस्त, टाकरखेड, शुभांव, नेरपिंगलाई, वस्तापुर, भकरनवाव, मोर्डी, आरतलेगांव, आसेगांव, जलका, भावेडी, वलगांव, पुसदा, मनजखेड, मोखेड, पोहरा, रसुलपुर, वासानी, वासानी (मु०) अनजनगाव, मुहा, उमरी-जवापुर, कुबेरी, रासेगांव, खीरी, बडनेना, रावलगांव, डोनाडा कमलपुर, उमरी-ममदाबाद, टाकरखेड (पी), टाकरखेड, (के) तलमीपूर्ना, वाडेगांव, निमखेड ताडगांव, चिंचोली, डोंगरगांव, चोसाला, साबलपुर, ग्रांतरगांव, आसडपुर, हन्तोडा, कारला ।

6. अकोला जिला भलकापुर, डोनवाडा, साबरगांव, पानज, मुळगांव, गायगांव, अकोट, कालेही, वलेगांव, बांगर, गांव, महमदपुर, आसेगांव, तराडा, वाकं, पिपरी-सरहद, गेल, धामनी, कारंजा, घानज, खेरडा, कोली, साहा, विलेडा, भारसिवनी, सांगवा ।

7. वर्धा जिला कुछ नहीं ।

8. शुलडाना जिला पलसखेड-वीलत, गारखेड, धाड़, शेलूव, मेरासुर्द, खन्डाका, चिखली, गिरोली, वाडी, टेंबुरना, लासूना, सलोनी, गायगांव, गायगांव (खुदे) खामगांव, आसलगांव, निपान मलकापुर, पिपलगांव-देवी, हरसोडा, गाडेगांव, भाडगनी, निमधारी ।

उपर निर्देशित सीमा 12 एकड़स या 60 किलो से अधिक होने पर उत्पादकों/भ्रमिकारों से इस सम्बन्ध में पूर्ण जानकारी उचित अधिकारी को स्वयं या डाक द्वारा पंजीकृत (रसीद प्राप्ती) करना प्रतिवार्य है ।

[प्रधिसूचना सं० 3/1978/का० सं० IV (16)-20/77/सा०]

माधव परलकर, समाहर्ता

Office of the Collector of Central Excise, Nagpur

Nagpur, the 6th July, 1978

(CENTRAL EXCISE)

S.O. 2181.—In exercise of the powers vested in me, Under Rules 15 and 16 of the Central Excise Rules, 1944, and in supersession of Notification No. 8/1968 (Central Excise) dated the 28th October, 1968 of the erstwhile M.P. & Vidarbha Collectorate as amended from time to time, I hereby notify that a grower may undertake cultivation of Indian Air-Cured Tobacco upto an Area of 12 Ares without declaration under Rule 15 of

Central Excise Rules, 1944 and a Curer may cure Indian Air-Cured Tobacco upto a limit of 60 kgs. without declaration Under Rules 16 ibid within the jurisdiction of Revenue Districts, as mentioned in Col. 2 of the table hereto annexed excepting the villages mentioned in Col. 3 thereof.

TABLE

Sl. No.	Name of the area in terms of Revenue Jurisdiction (i.e. Districts)	Name of Villages to which the exemption under Rule 15 & 16 is not applicable
1	2	3
(1) Nagpur District		Timardoh, Raiwadi, Bagi, Isapur, Katol, Siraswad, Fetari, Dhiwarwadi, Waghoda, Saoner, Khrisgaon, Kamptee, Bid-Bina, Kelapur, Khairy, Ramtek, Rajoli, Khandala, Pipri-Khandala, Ashti, Dudhala, Tumsar, Khaparkheda, Kacharwadi, Tharsa, Rahadi, Kadoli, Shingla, Naikund, Lapka, Maida, Maharpeth, Khat, Bhondwara, Buti-Bori, Kolar, Bokaro, Wadoda.
(2) Chandrapur District		Ladoji, Podsa, Lathi, Virur, Chinchal-dabha, Pombhurna, Naranda, Rameshgundam, Korla, McDapelli (Jamalgatta).
(3) Yeotmal District		Kolgaon, Khandla, Dongargao, Keramana, Chincholi, Majra, Bitergaon, Issapur, Pardi (Nimai), Sangamchinchli.
(4) Bhandara District		Satona.
(5) Amravati District		Akhawada, Afzalpur, Rama, Abitpur, Narayanpur, Mangruldast, Takarkheda, Thugaon, Nerpinglai, Dattapur, Makranbad, Morshi, Khartalegaon, Asegaon, Jalka, Bhawedi, Walgaon, Pusda, Mankhed, Mokhed Pohara, Rasulpur, Wasani, Wasani (B), Anjangaon, Wadnena, Rawalgaon, Donada, Kamalpur, Umri Mamdabad, Takarkhed (P), Takarkheda (K), Talnipurna, Wadegaon, Nimkheda, Tandgaon, Chincholi, Dongargaon, Chausala, Saualpur, Antargaon, Asadpur, Hantoda, Karla, Murha, Umari-jabapur, Kuberi, Rasegaon, Khairi.
(6) Akola District		Malkapur, Donwada, Sawargaon, Panaj, Mundgaon, Gaygaon, Akot, Kanheri, Balegaon, Wangargaon, Mohamadpur, Ascgaon, Tarada, Wakad, Pimpri-Sarhad, Gaiwal, Dhamani, Karanja, Dharaj, Kherda, Koli, Shata, Bilkheda, Bharshivani, Sangwa.
(7) Buldhana District		Palaskhed-Daulat, Garki cd, Dhad, Shellod, Mera-Khurda, Khandaca, Chikhali, Giroli, Wadi, Temburna, Lasuna, Saloni, Gaygaon, Gaigaon (Kd), Khamgaon, Asalaon, Nipana, Malkapur, Pir palgaon—Devi, Harsoda, Gadgaon, Bhadgani, Nimbhari.

1 2 3

(8) Wardha District —Nil—

If the limits of 12 Ares or 60 kgs. prescribed above are exceeded, it will be obligatory on the part of growers/curers to declare the particulars to the proper officer either personally or by Registered Post (A.D.)

[Notification No. 3/1978/F. No. IV (16)-20/77/St.]
M. R. PAROLEKAR, Collector

वाणिज्य, नागरिक आपूर्ति एवं सहकारिता मंत्रालय

(उप-मुख्य नियंत्रक, आयोत-नियांत का कार्यालय)

बंगलौर, 22 मार्च, 1978

प्रावेश

का० प्रा० 2182.—गर्वश्री दी मैसूरु अगरबत्ती क०-1, मदारसाथ, स्ट्रीट, नलबन्दावादी, बंगलौर 560053 को अगरबत्ती के अन्तिम उत्पाद के लिये निम्नलिखित लाइसेंस प्रदान किये गये थे:—

विनांक	रु.
पी० एल० 2734788/सी०/एक्स० एक्स०/57/एक्स०/41. 42/बी० 26	20-11-75 4,476
पी० एल० 2734780/सी०/एक्स० एक्स०/57/एक्स०/41. 42/बी० 26	19-11-75 15,987
पी० एल० 2734953/सी०/एक्स० एक्स०/58/एक्स०/41. 42/बी० 26	18-2-76 32,770
पी० एल० 2735152/सी०/एक्स० एक्स०/59/एक्स०/41. 42/बी० 26	14-5-76 8,472

उपर्युक्त लाइसेंसों की मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि के लिये इस आधार पर निवेदन किया है कि मूल मुद्रा विनिमय नियंत्रण प्रतियां क्रमशः 448 रु०, 1459 रु०, 3277 रु०, 6364 रु० उपयोग करने के पश्चात् खो गई हैं और अब शेष धनराशि 4028 रु०, 12,528 रु०, 29,493 रु० और 2,108 रु० के लिये उपर्युक्त लाइसेंसों की अनुलिपि प्रतियां चाहियें।

अपने तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है। मैं इस बात से संतुष्ट हूँ कि उपर्युक्त लाइसेंस की मुद्रा विनिमय नियंत्रण प्रतियां खो गई हैं और निदेश देता हूँ कि लाइसेंस की मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि आवेदक को जारी की जानी चाहिये। एतद्वारा मूल मद्रा विनिमय नियंत्रण प्रति रह दी जाती है।

[सं० कैम० 6 जे०एम० 76 आर०, ई०पी० बंगलौर]

आर० जयराम नायडू, उप-मुख्य नियंत्रक

MINISTRY OF COMMERCE, CIVIL SUPPLY AND
CO-OPERATION

(Office of the Dy. Chief Controller of Imports and Exports)
ORDER

Bangalore, the 22nd March, 1978

S.O. 2182.—M/s. The Mysore Agarbatti Co., 1, Madarsab street, Nalbandwadi, Bangalore 560053 were granted the following licences for the end product Agarbathis.

- P. L. 2734788/C/XX/57/X/41.42/B. 26 dt. 20-11-75
Rs. 4,476/-
- P. L. 2734780/C/XX/57/X/41.42/B. 26 dt. 19-11-75
Rs. 15,987/-

3. P. L. 2734953/C/XX/58/X/41-42/B. 26 dt. 18-2-76
Rs. 32,770/-

4. P. L. 2735152/C/XX/59/X/41-42/B. 26 dt. 14-5-76
Rs. 8,472

They have now applied for duplicate copies of Exchange Control purposes copies of the above licences on the ground that the original of the Exchange control purposes copies of the licences have been lost after utilising them for Rs. 448/- Rs. 1,459/- Rs. 3,277/- Rs. 6,364/- only, and that the duplicate copies of the above licences now required are for the balance values of Rs. 4,028/- Rs. 12,528/- Rs. 29,493/- and Rs. 2,108/-

In support of the above contention, the applicant has filed an affidavit. I am satisfied that the original exchange control purposes copies of the above licences have been lost and direct that duplicate copies Exchange Control purposes copies of the licences should be issued to the applicant. The original copies of the above licences are hereby cancelled.

[No. Chem. 6 JM. 76. REP. Bang.]

R. JAYARAM NAIDU, Dy. Chief Controller

(नागरिक पूर्ति और सहकारिता विभाग)

नई दिल्ली, 18 जुलाई, 1978

का० प्रा० 2183.—केंद्रीय सरकार, अग्रिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 5 के प्रधीन लुधियाना द्वारा मान्यता के नवोकरण के लिये किये गये आवेदन परं वायदा बाजार आयोग के परामर्श से विचार करके और यह समाधान हो जाने पर कि ऐसा करना व्यापार के लिये हित में और लोकहित में भी होगा, एतद्वारा उक्त अधिनियम की धारा 6 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त एक्सचेंज को एक दोषीय अधिनियम के वारे में 10 अगस्त, 1978 से 9 अगस्त, 1979 तक (जिसमें से दोनों दिन भी समिलित हैं) की एक वर्ष की प्रतिरिक्त कालावधि के लिये मान्यता प्रदान करती है।

2. एतद्वारा प्रदत्त मान्यता इस शर्त के प्रधीन है कि उक्त एक्सचेंज ऐसे निवेदों का अनुपालन करेगा जो वायदा बाजार आयोग द्वारा समय-समय पर दिये जायें।

[का०स० 12(10)प्रा०टी०/78]

(Department of Civil Supplies & Co-operation)

New Delhi, the 18th July, 1978

S.O. 2183.—The Central Government, in consultation with the Forward Markets Commission, having considered the application for renewal of recognition made under Section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by the Ludhiana Grain Exchange Limited, Ludhiana, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by Section 6 of the said Act, recognition to the said Exchange for a further period of one year from the 10th August, 1978 upto the 9th August, 1979 (both days inclusive) in respect of forward contracts in gur.

2. The recognition hereby granted is subject to the condition that the said Exchange shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[F. No. 12(10)-IT/78]

का० प्रा० 2184.—केन्द्रीय सरकार, अग्रिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 5 के अधीन विजय व्यापार चेम्बर लिंग, मुजफ्फरनगर द्वारा मान्यता के नवीकरण के लिये किये गये आवेदन पर वायदा बाजार आयोग के परामर्श से विचार करके और यह समाधान हो जाने पर कि ऐसा करना व्यापार के हित में और लोकहित में भी होगा, एतद्वारा उक्त अधिनियम की धारा 6 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त चेम्बर को गृह की अग्रिम संविदाओं के बारे में 10 अगस्त, 1978 से 9 अगस्त, 1979 तक (जिसमें ये दोनों दिन भी सम्मिलित हैं) की एक अवधि की अतिरिक्त कासावधि के लिये मान्यता प्रदान करती है।

2. एतद्वारा प्रदत्त मान्यता इस शर्त के अधीन है कि उक्त चेम्बर ऐसे नियमों का अनुसार करेगा जो वायदा बाजार आयोग द्वारा समय समय पर दिये जायें।

[फा० सं० 12(11)/आई०टी०/78]

‘वी० श्रीनिवासन, उप-सचिव

S.O. 2184.—The Central Government, in consultation with the Forward Markets Commission, having considered the application for renewal of recognition made under Section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by the Vijai Beopar Chamber Limited, Muzaffarnagar, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by Section 6 of the said Act, recognition to the said Chamber for a further period of one year from the 10th August, 1978 upto the 9th August, 1979 (both days inclusive) in respect of forward contracts in gur.

2. The recognition hereby granted is subject to the condition that the said Chamber shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[F. No. 12(11)-IT/78]

V. SRINIVASAN, Dy. Secy.

उद्योग मंत्रालय

(शैक्षणिक विकास विभाग)

आदेश

नई दिल्ली, 17 जुलाई, 1978

का० प्रा० 2185—15 उ० वि० वि० प्र०/78:—केन्द्रीय सरकार, उद्योग (विकास और विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 15 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के उद्योग मंत्रालय (शैक्षणिक विकास विभाग) के आवेदन संदेश का० प्रा० 316(प्र)/15/उ० वि० प्र०/78, तारीख 11 मई, 1978 में निम्नलिखित संशोधन करती है, अर्थात्:—

‘उक्त आवेदन के “सरकारी राजपत्र में प्रकाशित होने की तारीख के छः सप्ताह के अन्तर्गत” शब्दों और वाक्यों के स्थान पर निम्नलिखित शब्द और वाक्य रखे जायेंगे “15 जुलाई, 1978 तक.”।’

[सं० का० 3(2)/78-सं०य०सी०]

प्रार० प्रा० पाहवा, अवर सचिव

MINISTRY OF INDUSTRY
(Department of Industrial Development)

ORDER

New Delhi, the 17th July, 1978

S.O. 2185/15/IDRA/78.—In exercise of the powers conferred by section 15 of the Industries (Development and Regulation) Act, 1951, (65 of 1951), the Central Government hereby makes the following amendment in the Order of the Government of India, in the Ministry of Industry (Department of Industrial Development) No. S.O. 316(E)/15/IDRA/78 dated 11th May, 1978, namely :—

In the said Order for the words and phrases “within a period of six weeks from the date of publication of this order in the Official Gazette” the words and phrases “by the 15th July, 1978” shall be substituted.

[F. No. 3(2)/78-CUS]

R. R. PAHWA, Under Secy.

स्वास्थ्य व परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 17 जुलाई, 1978

का० प्रा० 2185.—यतः भारतीय विकित्सा परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के छण्ड (ब) के उपबन्धों के अनुसार में निम्नलिखित शक्तियों को उनके नाम के सामने उल्लिखित चुनाव थेव तथा तारीख से भारतीय विकित्सा परिषद का सदस्य नियोजित किया गया है, अर्थात् :—

शक्तियों के नाम	चुनाव थेव	चुनाव की तारीख
डा० एस० वैसाई	कनाटक विष्वविद्यालय	29-3-1978
प्रिसिपल, जे० एन० मेडिकल कालेज, बेलगांव।		
डा० प्राई० पी० मग्रबाल,	ए० पी० सिंह	9-2-1978
डीन, एस० एस० मेडिकल कालेज, विश्वविद्यालय रीवा।	विश्वविद्यालय	
डा० ए० एन० महरोत्ता	हिमाचल प्रदेश	22-3-1978
प्रिसिपल, एस० पी० मेडिकल कालेज, शिमला।	विश्वविद्यालय	

प्रतः, आव, उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबन्धों का पालन करते हुए केन्द्रीय सरकार एतद्वारा भूतपूर्व स्वास्थ्य मंत्रालय, भारत सरकार की 9 जनवरी, 1960 की प्रधिसूचना संख्या एस० प्रा० 138 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त प्रधिसूचना में “धारा 3 की उपधारा एक के छण्ड (ब) के अधीन नियोजित” शीर्षक के अन्तर्गत कम संख्या 4, 43 और 47 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित कम संख्याएं और प्रविष्टियों प्रतिस्थापित की जाएं, अर्थात् :—

- “4. एस० जी० वैसाई,
प्रिसिपल,
जे० एन० मेडिकल कालेज,
बेलगांव।
- “43. डा० प्राई० पी० मग्रबाल,
डी, एस० एस० मेडिकल कालेज,
रीवा।
- “47. डा० ए० एन० महरोत्ता,
प्रिसिपल, एस० पी० मेडिकल कालेज,
शिमला।”

[सं० वी० 11013/1/78-एम०ई० (पी०)]

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health)

New Delhi, the 17th July, 1978

S.O. 2186.—Whereas in pursuance of the provisions of clause (b) of sub-Section (i) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the following persons have been elected to be the members of the Medical Council of India from the constituencies and with effect from the date specified against each, namely :—

Name of the persons	Constituency	Date of election
Dr. S.G. Desai, Principal, J.N. Medical College Belgaum.	Karnataka University	29-3-1978
Dr. I.P. Agarwal, Dean, S.S. Medical College, Rewa.	A.P. Singh University	9-2-1978
Dr. A.N. Mehrotra, Principal, H.P. Medical College, Simla.	Himachal Pradesh University	22-3-1978

Now, therefore, in pursuance of the provisions of sub-section (i) of Section 3 of the said Act, the Central Government hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Health No. S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading "Elected under clause (b) of sub-section (1) of section 3", for serial Numbers 4, 43 and 47 and the entries relating thereto, the following serial numbers and the entries relating thereto, shall respectively be substituted, namely :—

- "4. Dr. S.G. Desai,
Principal,
J.N. Medical College,
Belgaum.
- 43. Dr. I.P. Agarwal,
Dean,
S.S. Medical College,
Rewa.
- 47. Dr. A.N. Mehrotra,
Principal,
H.P. Medical College,
Simla."

[No. V. 11013/1/78-ME. (Policy)]

का० आ० 2187।—यतः केन्द्रीय सरकार ने भारतीय चिकित्सा परिषद अधिनियम, 1956' (1956 का 102) की धारा 3 की उपधारा (1) के ताप पठित धारा 3 की उपधारा (1) के उपबन्धों के अनुसरण में सेप्टिनेट जनरल एल० एन० बुद्धराजा, महानिदेशक, संगठन सेना चिकित्सा सेवा, 'नई विल्सी' को सेप्टिनेट जनरल वी०डी०पी०' राब, जो सेवानिवृत्ति हो गये हैं; के स्थान पर 24 अप्रैल, 1978 से 'भारतीय चिकित्सा परिषद का संवस्थ मनोनीत किया है।

अतः, अब, उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबन्धों के अनुसरण में केन्द्रीय सरकार एवं द्वारा भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की 9 जनवरी, 1960 की अधिसूचना संख्या एस० ओ० 138 में निम्नलिखित ग्रीष्म संशोधन करती है। इर्थतः—

उक्त अधिसूचना में "धारा 3 की उपधारा (1) के खण्ड (ङ) के अधीन मनोनीत" शीर्षक के अन्तर्गत क्रम संख्या 2 के सामने वर्तमान प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाए, अर्थात् :—

"सेप्टिनेट जनरल एल० एन० बुद्धराजा,
महानिदेशक, संगठन सेना चिकित्सा सेवा,
नई विल्सी।"

[सं० वी० 11013/2/78-एम०ई० (पी०)]

आर० वी० श्रीनिवासन, उप सचिव

S.O. 2187.—Whereas the Central Government have, in pursuance the provisions of clause (e) of sub-section (1) of Section 3 read with sub-section (4) of Section 7 of the Indian Medical Council Act, 1956 (102 of 1956), nominated Lt. General L. N. Budhraja, Director General, Armed Forces Medical Services, New Delhi, to be a member of the Medical Council of India, with effect from the 24th April, 1978, vice Lt. Genl. B. D. P. Rao, who has since retired.

Now, therefore, in pursuance of the provisions of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India, in the late Ministry of Health No. S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading "Nominated under clause (e) of Sub-section (1) of section 3", against serial No. 2, for the existing entry, the following entry shall be substituted, namely :—

"Lt. Genl. L. N. Budhraja,
Director General,
Armed Forces Medical Services,
New Delhi."

[No. V-11013/2/78-M.E.(Policy)]

R. V. SRINIVASAN, Dy. Secy.

पंद्रोलियम रसायन तथा उर्वरक संबंधालय

(रसायन तथा उर्वरक विभाग)

नई विल्सी, 10 जुलाई, 1978

का० आ० 2188.—केन्द्रीय सरकार, संरक्षारी स्थान (अप्राधिकृत अधिभागियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त गतियों का प्रयोग करते हुए, नीचे की सारणी के स्तम्भ (1) में यथित अधिकारी का, जो सरकार के राजपत्रित अधिकारी की पंक्ति के सम्मुख अधिकारी है, उक्त अधिनियम के प्रयोजनों के लिए सम्पूर्ण अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तम्भ (2) में विनियिष्ट सरकारी स्थानों की बाबत अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन सम्पूर्ण अधिकारियों को प्रदत्त गतियों का प्रयोग और उन पर अधिरोपित कर्तव्यों का पालन करेगा :

सारणी

अधिकारी का पदाधिकार

सरकारी स्थानों के प्रबंग और अधिकारिता की स्थानीय सीमाएँ

(1)

(2)

1. संसाधन कार्यपालक अधिकारी इंडियन इंडस्ट्रीज एण्ड कार्मस्यूटिकल्स लि०, (प्रिया०) इंडियन इंडस्ट्रीज एण्ड कार्मस्यूटिकल्स लि०, हैदराबाद के प्रणालीसंरचित नियंत्रण-धीन स्थान जो उनकी अधिकारिता के स्थानीय सीमाओं के भीतर स्थित है।

1

2

2. सहायक कार्यपालक अधिकारी हॉटिल इंडियन इंडियन फार्मस्यूटिकल्स लिं. (प्रश्ना०) इंडियन इंडियन इंडियन फार्मस्यूटिकल्स लिं. गुडगांव के प्रशासनिक नियंत्रणाधीन स्थान जो उनकी अधिकारिता की स्थानीय सीमा के भीतर स्थित है।

[सं० एल० 38022/17/78]

बी० राजागोपालन, अधर सचिव

MINISTRY OF PETROLEUM, CHEMICALS AND FERTILIZERS

(Department of Chemicals and Fertilizers)

New Delhi, the 10th July, 1978

S.O. 2188.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Un-authorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being the officers equivalent to the rank of gazetted officer of Government, to be Estate Officers for the purpose of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act within the local limits of their jurisdiction in respect of the public premises specified in column (2) of the said Table :

TABLE

Designation of Officer	Categories of Public Premises and local limits of jurisdiction
(1)	(2)
1. Assistant Executive Officer (Admn), Indian Drugs and Pharmaceuticals Limited, Hyderabad.	Premises under the administrative control of the Indian Drugs & Pharmaceuticals Limited, Hyderabad, situated within the local limits of their jurisdiction.
2. Assistant Executive Officer (Admn), Indian Drugs & Pharmaceuticals Limited, Gurgaon.	Premises under the administrative control of the Indian Drugs & Pharmaceuticals Ltd., Gurgaon situated within the local limits of their jurisdiction.

[No. L-38022/17/78]

V. RAJAGOPALAN, Under Secy.

कृपि और सिंचाई मंत्रालय

(खाद्य विभाग)

नई दिल्ली, 27 मई, 1978

का० आ० 2189.—पण्डन आयात अधिनियम, 1898 (1898 का अधिनियम 9) की धारा 3 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इस अधिसूचना के जारी होने की तारीख से 6 माह की प्रश्निक के लिए इंग्लैण्ड, आयरलैण्ड प्रीर कांस से अंग्रेज जातियों (बल्टियों तथा बल्टियों को छोड़कर) के भारत में आयात पर प्रतिबंध लगाती है। बल्टियों व बल्टियों के आयात की अनुमति है बशर्ते कि:—

1. अधिनियम के अन्तर्गत उल्लिखित स्वारूप्य नियमों के अतिरिक्त पशुओं के साथ प्राधिकृत पशु विक्रितक का विवेच स्वास्थ्य प्रमाण पत्र हो, जिस में उल्लेख किया गया हो कि पिछले एक वर्ष से ये पशु प्रजनन में काम प्राप्त वाने वाले पशुओं के सम्पर्क में नहीं आए हैं तथा इन पशुओं के शिखनचर्म एवं मूक्तनसी/गर्भ तली तथा गर्भाशय ग्रीवा से प्राप्त व द्रव्य का मानक पद्धति द्वारा कल्पन करने पर उस में संकामक कीटाणु नहीं पाए गए।

2. भारत में इन पशुओं का आयात होने पर इन्हें 30 दिन तक मालिक के आवास स्थान पर अलग से रखा जाएगा, जिसकी सूचना मंत्रालय को भी दी जाएगी। संग्रही की प्रवधि के द्वारा अपशुओं की मान्यता प्राप्त प्रयोगशाला द्वारा जीवाणु विज्ञान संबंधी कल्पन परीक्षा की जाएगी तथा उन्हें संकामक गर्भाशयाति रोग से अप्रभावित घोषित कर दिए जाने पर ही अन्य पशुओं में मिलाया जाएगा।

[सं० 50-22/77-एल०८००८०] (एल० एष-ए० क्य०)

बी० क्षी० क्ष०, उप सचिव

MINISTRY OF AGRICULTURE & IRRIGATION

(Department of Agriculture)

New Delhi, the 29th May, 1978.

S.O. 2189.—In exercise of the powers conferred by sub-section (1) of Sec. 3 of the Livestock Importation Act, 1898 (Act. 9 of 1898), the Central Government hereby prohibits the import into India of equine species of animals (excluding colts and fillies) from U.K., Ireland and France for a period of six months from the date of issue of this notification. The entry of colts and fillies is permitted provided that:—

(1) In addition to the health requirements specified under the act, the animals are accompanied by a Vety. Health Certificate from an authorised Veterinarian that the animal has not been in contact with the breeding stock during the last one year and that the swabs collected from prepuce and Urethra/Vagina and cervix of these animals were found negative for pathogenic micro organisms by standard culture-methods.

(2) On receipt in India, the imported animals are kept in isolation for 30 days at the premises of the owner under intimation to this Ministry. During the quarantine period the animals shall be subjected to bacteriological cultural examination by a recognised laboratory and will be mixed with other stock only when declared negative for contagious equine matritis infection.

[No. 50-22/77-LDI(LH-AQ)]

B. B. KAPOOR, Dy. Secy.

(खाद्य विभाग)

आदेश

नई दिल्ली, 7 जून 1978

का० आ० 2190.—प्रति केन्द्रीय सरकार ने खाद्य विभाग, क्षेत्रीय खाद्य विभागों, उपाधित विभागों और खाद्य विभाग के बेतन तथा लेखा कार्यालयों द्वारा दिए जाने वाले खाद्यालयों के क्रम, अंडाकरण, संचलन, परिवहन, वितरण तथा विभाग के हस्तों का पालन करना बन्द कर दिया है जोकि खाद्य विभाग नियम अधिनियम, 1964 (1964 का 37) की धारा 13 के अधीन भारतीय खाद्य विभाग के क्रत्य है।

प्रौर यतः खाद्य विभाग, क्षेत्रीय खाद्य विभागों, उपाधित विभागों और खाद्य विभाग के बेतन तथा लेखा कार्यालयों में कार्य कर रहे और उपरिवित क्रत्यों के पालन में लगे निम्नलिखित अधिकारियों और कर्मचारियों ने केन्द्रीय सरकार के तारीख 16 अप्रैल, 1971 के परिपत्र के प्रत्यक्षतर में उसमें विविरिंदृष्ट सारीख के मन्त्र भारतीय खाद्य विभाग के कर्मचारी न बनने के अपने आशय को उस अधिनियम की धारा 12ए की उपधारा (1) के परन्तुक द्वारा यथा अपेक्षित सूचना नहीं दी है।

अतः अब खाद्य निगम अधिनियम, 1964 (1964 का 37) यथा प्रधानमंत्री की धारा 12ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवंद्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवंद्वारा निम्नलिखित कर्मचारियों को प्रत्येक के सामने दी गई तारीख से भारतीय खाद्य निगम के स्थानांतरित करती है:—

क्रम अधिकारी/कर्मचारी के नाम सं० जारी का नाम अधीन किम पद पर स्थायी है समय केन्द्रीय सरकार के किस पद पर थे समय केन्द्रीय सरकार के किस पद पर थे स्थानांतरण की तारीख

1. श्री एस० के० आहुजा	—	एस०ए०एस० लेखाकार	31-4-1970
2. श्री के०ए० कपूर	वेतन तथा लेखा कर्मचारी	वेतन तथा लेखा कर्मचारी	9-1-1976
3. श्री जी०ए०स० होटवानी	उच्च श्रेणी लिपिक	उच्च श्रेणी लिपिक	1-3-1969
4. श्री दी०ए०न० मेहता	अव० श्रेणी लिपिक	उच्च श्रेणी लिपिक	20-7-1969

[सं० 52/१/७१-एफ०सी० III (बाल्यम-9)]

(Department of Food)
ORDER

New Delhi, the 7th July, 1978

S.O. 2190.—Whereas the Central Government has ceased to perform the functions of purchase, storage, movement, transport, distribution and sale of foodgrains done by the Department of Food, the Regional Directorates of Food, the Procurement Directorates and the Pay & Accounts Offices of the Department of Food which under Section 13 of the Food Corporations Act, 1964 (37 of 1964) are the functions of the Food Corporation of India;

And whereas the following officers and employees serving in the Department of Food, the Regional Directorate of Food, the Procurement Directorates and the Pay & Accounts Offices of the Department of Food and engaged in the performance of the functions mentioned above have not, in response to the Circular of the Central Government dated the 16th April, 1971 intimated, within the date specified therein, their intention of not becoming employees of the Food Corporation of India as required by the proviso to sub-section (I) of Section 12A of the said Act;

Now, therefore, in exercise of the powers conferred by Section 12A of the Food Corporation of India Act, 1964 (37 of 1964) as amended upto date the Central Government hereby transfer the following officers and employees to the Food Corporation of India with effect from the date mentioned against each of them:—

Sl. No.	Name of the officer/employees	Permanent post held under the Central Govt.	Post held under the Central Govt. at the time of transfer	Date of transfer to the FCI
1	2	3	4	5
1.	Shri S.K. Ahuja	—	S.A.S. Accountant	3-4-1970

1	2	3	4	5
2. Shri K.L. Kapoor	Pay & Accounts Officer	Pay & Accounts Officer	9-1-1976	
3. Shri G.S. Hotwani	U.D.C.	U.D.C.	1-3-1969	
4. Shri D.N. Mehta	L.D.C.	U.D.C.	20-7-1969	

[No. 52/4/71-FC-III (Vol. IX)]

आदेश

नई दिल्ली, 10 जुलाई, 1978

का० २१९१:—अतः केन्द्रीय सरकार ने खाद्य विभाग, केन्द्रीय खाद्य निवेशालयों, उपाधित निवेशालयों और खाद्य विभाग के वेतन तथा लेखा कार्यालयों द्वारा किए जाने वाले खाद्यालयों के क्रय, भण्डारकरण, संचालन, परिवहन, वितरण तथा विक्रय के कर्त्त्वों का पालन करना बन्द कर दिया है जोकि खाद्य निगम अधिनियम, 1964 (1964 का 37) की धारा 13 की अधीन भारतीय खाद्य निगम के क्रय है।

और यह खाद्य विभाग, केन्द्रीय निवेशालयों, उपाधित निवेशालयों और खाद्य विभाग के वेतन तथा लेखा कार्यालयों में कार्य कर रहे और उपरिवर्णित कर्त्त्वों के पालन में लगे निम्नलिखित अधिकारियों और कर्मचारियों ने केन्द्रीय सरकार के तारीख 16 अप्रैल, 1971 के परिपत्र के प्रत्यक्षर में उसमें विर्तिशिष्ट तारीख के अन्दर भारतीय खाद्य निगम के कर्मचारियों न बनने के अपने ग्राहण को उक्त अधिनियम की धारा 12ए की उपधारा (1) के प्रस्तुक द्वारा यथा अपेक्षित सूचना नहीं दी है।

अतः अब खाद्य निगम अधिनियम, 1964 (1964 का 37) यथा प्रधानमंत्री की धारा 12ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवंद्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवंद्वारा निम्नलिखित कर्मचारियों को प्रत्येक के सामने दी गई तारीख से भारतीय खाद्य निगम में स्थानांतरित करती है:—

क्रम अधिकारी/कर्मचारी का नाम	केन्द्रीय सरकार के स्थानांतरण के पर स्थायी है	भारतीय खाद्य निगम के किस पद के किस पद पर थे	समय केन्द्रीय सरकार के किस पद पर थे	स्थानांतरण की तारीख
(1)	(2)	(3)	(4)	(5)
1. श्री पी०पी०ए० नूत्रन सिंह	—	तकनीकी सहायक	—	1-3-69
2. श्री तिलक राज अरोरा	कर्निष्ठ गोदाम रक्षक	वरिष्ठ गोदाम रक्षक	वरिष्ठ गोदाम रक्षक	1-3-69
3. श्री जी०य० बाबूलकर	तकनीकी महायक	तकनीकी सहायक	—	1-3-69
4. श्री एम०ए०च० मोहनानी	गोदाम कलर्क	गोदाम कलर्क	वरिष्ठ गोदाम रक्षक	1-3-69
5. श्री सी०वी० उपारकर	कर्निष्ठ गोदाम रक्षक	वरिष्ठ गोदाम रक्षक	वरिष्ठ गोदाम रक्षक	1-3-69
6. श्री एम०ए०न० कार	वरिष्ठ गोदाम रक्षक	वरिष्ठ गोदाम रक्षक	वरिष्ठ गोदाम रक्षक	1-3-69
7. श्री पी०ए० तदिलियारी	वरिष्ठ गोदाम रक्षक	वरिष्ठ गोदाम रक्षक	वरिष्ठ गोदाम रक्षक	1-3-69
8. श्री एन०ए० बातकर	गोदाम कलर्क	वरिष्ठ गोदाम रक्षक	वरिष्ठ गोदाम रक्षक	1-3-69
9. श्री पी०वी० रोहित	—वही—	—वही—	—वही—	1-3-69

1	2	3	4	5
10.	श्री के०ए० मिरानी	गोदाम थलक	कनिष्ठ गोदाम रक्षक	1-3-69
11.	श्री ए०आर० वैद्य	कनिष्ठ गोदाम	कनिष्ठ गोदाम	1-3-69
		रक्षक	रक्षक	
12.	श्री डी०ए० परमार	गोदाम थलक	गोदाम थलक	1-3-69
13.	श्री ए०आर० मक्काना	—वही—	—वही—	1-3-69
14.	श्री श्रौ०ए० श्रीमाली	—वही—	—वही—	1-3-69
15.	श्री जी०ए० सीलंकी	—वही—	—वही—	1-3-69
16.	श्री आर०सी० परमार	—वही—	—वही—	1-3-69
17.	श्री एस०ए० मोने	कनिष्ठ थलक	कनिष्ठ थलक	1-3-69
18.	श्री वी०ए० खोजा	गोदाम थलक	गोदाम थलक	1-3-69
19.	श्री के०ए० पठान	—वही—	—वही—	1-3-69
20.	श्री के०सी० शर्मा	—वही—	—वही—	1-3-69
21.	श्री एम०ए० मानक	—वही—	—वही—	1-3-69
22.	श्री ए०झी० सैयद	वाचमैन	वाचमैन	1-3-69
23.	श्री ए०ए० वर्षमा	—वही—	—वही—	1-3-69
24.	श्री श्री०जे० गुरुखा	—वही—	—वही—	1-3-69
25.	श्री पी०झी० परमार	—वही—	—वही—	1-3-69
26.	श्री एम०जे० बासवा	—वही—	—वही—	1-3-69
27.	श्रीमती एम०जी० सौलंकी	स्वीपर	स्वीपर	1-3-69
28.	श्री रसूला जी०	वाचमैन	वाचमैन	1-3-69
29.	श्री दुना पेशा	—वही—	—वही—	1-3-69
30.	श्री आई०ए० जोशी	—वही—	—वही—	1-3-69
31.	श्री एच०के० सैयद	—वही—	—वही—	1-3-69
32.	श्री के०के० मिश्रा	वाचमैन	वाचमैन	1-3-69
33.	श्री एम०वी० गोसाई	स्वीपर	स्वीपर	1-3-69
34.	श्री महेशप्रसाद	वाचमैन	वाचमैन	1-3-69
35.	श्री देवेन्द्र गिरी	—वही—	—वही—	1-3-69
36.	श्री ग्लरख उमर	स्वीपर	स्वीपर	1-3-69
37.	श्री पोहताना श्री०	वही	वही	1-3-69
38.	श्री जीवा मोती	—वही—	—वही—	1-3-69
39.	श्री असरकी लाल सिंह	—वही—	—वही—	1-3-69
40.	श्री जी०पी० पद्मेश	—वही—	—वही—	1-3-69
41.	श्री मोलूँ साधू	—वही—	—वही—	1-3-69
42.	श्री आर० एन० वांकर	—वही—	—वही—	1-3-69
43.	श्री आर०ए० पंडित	—वही—	—वही—	1-3-69
44.	श्री रायमलाल चौहान	—वही—	—वही—	1-3-69
45.	श्री के०पी० मिश्रा	—वही—	—वही—	1-3-69
46.	श्री एम०के० राजपूत	—वही—	—वही—	1-3-69
47.	श्री जे०ए० रौत	—वही—	—वही—	1-3-69
48.	श्री मुनीलाल साधू	—वही—	—वही—	1-3-69
49.	श्री शी०डी० पारीख	—वही—	—वही—	1-3-69
50.	श्री शी०ए० परमार	—वही—	—वही—	1-3-69
51.	श्री सी०ए० रोहित	—वही—	—वही—	1-3-69
52.	श्रीमती लीलावेन श्री०	स्वीपर	स्वीपर	1-3-69
53.	श्रीमती सकरीबेन	सिप्टर	सिप्टर	1-3-69
54.	श्री इन्द्रपाल धाना	वाचमैन	वाचमैन	1-3-69
55.	श्री लोखन सुमर	—वही—	—वही—	1-3-69
56.	श्री बच्चू जेठा	—वही—	—वही—	1-3-69
57.	श्री एस०आर० सोटनकर	डस्टिंग आपरेटर	डस्टिंग आपरेटर	1-3-69

1	2	3	4	5
58.	श्री मावजी देवजी	स्वीपर	स्वीपर	1-3-69

[सं० 52/22/74-एफ०सी० III (बाल्यम 10)]

बड़ी राम, उप सचिव

ORDER

New Delhi, the 10th July, 1978

S.O. 2191. —Whereas the Central Government has ceased to perform the functions of purchase, storage, movement transport, distribution and sale of foodgrains done by the, Department of Food, the Regional Directorates of Food, the Procurement Directorates and the Pay & Accounts Offices of the Department of Food which under Section 13 of the Food Corporation Act, 1964 (37 of 1964) are the functions of the Food Corporation of India;

And whereas the following officers and employees serving in the Department of Food, the Regional Directorate of Food, Procurement Directorates and the Pay Accounts Offices of the the Department of Food and engaged in the performance of the functions mentioned above have not, in response to the Circular of the Central Government dated the 16th April, 1971 intimated, within the date specified therein, their intention of not becoming employees of the Food Corporation of India required by the proviso to sub-section (I) of Section 12A of the said Act;

Now, therefore, in exercise of the powers conferred by Section 12A of the Food Corporation of India Act, 1964 (37 of 1964) as amended upto date the Central Government hereby transfer the following officers and employees to the Food Corporation of India with effect from the date mentioned against each of them:—

Sl. No.	Name of the officer/employees	Permanent post held under the Central Govt.	Post held under the Central Govt. at the time of transfer	Date of transfer
1	2	3	4	5
1.	Shri P.P.H. Sunder Singh	—	Technical Asstt.	1-3-69
2.	Sh. Tilak Raj Arora	J.G.K.	S.G.K.	1-3-69
3.	Sh. G.U. Babulkar	Tech. Asstt.	Tech. Asstt.	1-3-69
4.	Sh. M.H. Mohnani	Godown Clerk	Godown Clerk	1-3-69
5.	Sh. C.B. Uparkar	J.G.K.	S.G.K.	1-3-69
6.	Sh. S.N. Kar	S.G.K.	S.G.K.	1-3-69
7.	Sh. P.M. Tahiliani	S.G.K.	S.G.K.	1-3-69
8.	Sh. N.M. Vankar	Godown Clerk	J.G.K.	1-3-69
9.	Sh. P.B. Rolit	-do-	-do-	1-3-69
10.	Sh. K.H. Mirani	-do-	-do-	1-3-69
11.	Sh. A.R. Vaidya	J.G.K.	J.G.K.	1-3-69
12.	Sh. D.M. Parmar	Godown Clerk	Godown Clerk	1-3-69
13.	Sh. A.R. Makwana	-do-	-do-	1-3-69
14.	Shri O.M. Shrimali	-do-	-do-	1-3-69

1	2	3	4	5
15.	Sh. G.A. Solanki	Godown Clerk	Godown Clerk	1-3-69
16.	Sh. R.C. Parmar	-do-	-do-	1-3-69
17.	Sh. S.N. Mone	Junior Clerk	Junior Clerk	1-3-69
18.	Sh. B.M. Khoja	Godown Clerk	Godown Clerk	1-3-69
19.	Sh. K.M. Pathan	-do-	-do-	1-3-69
20.	Sh. K.C. Sharma	-do-	-do-	1-3-69
21.	Sh. M.A. Manek	-do-	-do-	1-3-69
22.	Sh. A.D. Saiyed	-do-	-do-	1-3-69
23.	Sh. A.M. Daima	-do-	-do-	1-3-69
24.	Sh. B.J. Gurkha	-do-	-do-	1-3-69
25.	Sh. P.D. Parmar	-do-	-do-	1-3-69
26.	Sh. M.J. Vasawa	-do-	-do-	1-3-69
27.	Smt. M.G. Solanki	Sweeper	Sweeper	1-3-69
28.	Sh. Ratubha G.	Watchman	Watchman	1-3-69
29.	Sh. Poona Petha	-do-	-do-	1-3-69
30.	Sh. I.N. Joshi	-do-	-do-	1-3-69
31.	Sh. H.K. Saiyed	-do-	-do-	1-3-69
32.	Sh. K.K. Mitra	-do-	-do-	1-3-69
33.	Sh. N.V. Gosai	Sweeper	Sweeper	1-3-69
34.	Sh. Meheshprasad	Watchman	Watchman	1-3-69
35.	Sh. Devendergiri	-do-	-do-	1-3-69
36.	Sh. Alarakh Umar	Sweeper	Sweeper	1-3-69
37.	Sh. Popatbha B.	Watchman	Watchman	1-3-69
38.	Sh. Jiva Moti	-do-	-do-	1-3-69
39.	Sh. Asharfilalsing	-do-	-do-	1-3-69
40.	Sh. G.P. Patel	-do-	-do-	1-3-69
41.	Sh. Molhu Sadhu	-do-	-do-	1-3-69
42.	Sh. R.N. Vankar	-do-	-do-	1-3-69
43.	Sh. R.M. Pandit	-do-	-do-	1-3-69
44.	Sh. Shyamal Chauhan	-do-	-do-	1-3-69
45.	Sh. K.P. Mishra	-do-	-do-	1-3-69
46.	Sh. M.K. Rajput	-do-	-do-	1-3-69
47.	Sh. J.N. Raut	-do-	-do-	1-3-69
48.	Sh. Munilal Sadhu	-do-	-do-	1-3-69
49.	Sh. B.D. Parikh	-do-	-do-	1-3-69
50.	Sh. B.L. Parmar	-do-	-do-	1-3-69
51.	Sh. C.F. Rohit	-do-	-do-	1-3-69
52.	Smt. Lilaben V.	Sweeper	Sweeper	1-3-69
53.	Smt. Sakriben	Sifter	Sifter	1-3-69
54.	Sh. Inderpal Dhana	Watchman	Watchman	1-3-69
55.	Sh. Lochan Sumar	-do-	-do-	1-3-69
56.	Sh. Bachhu Jetha	-do-	-do-	1-3-69
57.	Sh. S.R. Lothankar	Dusting Operator	Dusting Operator	1-3-69
58.	Sh. Mavji Devji Dhobin	Sweeper	Sweeper	1-3-69

[No. 52/22/74-FC-IIJ(Vol. X)
BASKHI RAM, Dy. Secy.

MINISTRY OF COMMUNICATIONS

(P&T Board)

New Delhi, the 15th July, 1978

S.O. 2192.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No: 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 16-8-1978 as the date on which the Measured Rate System will be introduced in Bodinayakanur Telephone Exchange, Tamil Nadu Circle.

[No. 5-25/78-PHB]

R. C. KETANI, Asstt. Director (PHB)

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 7 जुलाई, 1978

का० प्रा० 2193.—संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति रेल कम्बंचारी (अनुशासन एवं अपील) नियम, 1978 में भौत आगे संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. (1) में नियम रेल कम्बंचारी (अनुशासन एवं अपील) द्वितीय संशोधन नियम, 1978 कहलायेंगे।

(2) में सरकारी राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

2. रेल कम्बंचारी (अनुशासन एवं अपील) नियम, 1968 के नियम 25 में उप नियम (1) के तीसरे परन्तुक के नीचे टिप्पणी 1 के स्थान पर निम्नलिखित टिप्पणी प्रतिस्थापित की जायेगी, अर्थात्:—

“टिप्पणी 1—इस परन्तुक में उल्लिखित मामलों पर पुनर्विचार के लिए समय सीमा की गणना पुनर्विचार के लिए प्रस्तावित आदेशों के जारी होने की तारीख से की जायेगी। किसी ऐसे मामले में जिसमें मूल आदेश की अपील प्राधिकारी द्वारा पुष्ट की गयी हो या उसमें आवासेन किया गया हो या उसे रद्द कर दिया गया हो, समय सीमा की गणना अपील आवेदन जारी होने की तारीख से की जायेगी।”

[सं० ६० (झ० एप्ल०) ७७ आर जी०-३६]

पो० एन० मोहिले, सचिव

MINISTRY OF RAILWAY

(Railway Board)

New Delhi, the 7th July, 1978

S.O. 2193.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules further to amend the Railway Servants (Discipline and Appeal) Rules, 1968, namely:—

1. (1) These may be called the Railway Servants (Discipline and Appeal) Second amendment, Rules, 1978.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 25 of the Railway Servants (Discipline and Appeal) Rules, 1968, for Note 1 below the third proviso to sub-rule (1), the following Note shall be substituted, namely:—

“Note 1—The time limits for review of cases mentioned in this proviso shall be reckoned from the date of issue of the orders proposed to be reviewed. In a case where the original order has been upheld or modified or set aside by the appellate authority, the time limit shall be reckoned from the date of issue of the appellate order.”

[No. E(D&A) 77 RG6-36]

P. N. MOHILE, Secy.

संचार मंत्रालय
(रेल तार बोर्ड)
नई दिल्ली, 15 जुलाई, 1978

का० प्रा० 2192.—स्थायी प्रादेश संघ्या 627 दिनांक 8 मार्च 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार आकृतार महानिवेशक ने बोर्डी-नायकानूर टेलीफोन केन्द्र में दिनांक 16-8-78 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संघ्या 5-25/78-पी०एच०बी०]

भारत सी० कटारिया, सहायक महानिवेशक (पी०एच०बी०)

नई विल्ली 7 जुलाई 1978

का० प्रा० 2194.—भारतीय रेल अधिनियम, 1890 (1890 का 9) की धारा 56 धू की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, प्रपना यह समाधान हो जाने पर कि किसी रेलवे स्टेशन तक केवल माल को ले जाने के लिये आशयित रेल गाड़ियों द्वारा युक्त किये गये माल का, ऐसे स्टेशन से प्रविलम्ब हटाया जाना आवश्यक है और उस उपधारा के परन्तु में विनिविष्ट बातों को छान में रखते हुए निम्नलिखित रेल स्टेशनों की 1-8-78 से 6 महीने की अवधि के लिये “भवित्व स्टेशन” घोषित करती है, अर्थात् :—

1. मुम्बई (बाड़ी बन्दर)
2. नागपुर
3. हावड़ा गुड्स
4. चित्पुर
5. कोपीपुर रोड
6. इलाहाबाद
7. कानपुर सेंट्रल गुड्स थोड़ा (ब्राउ गेज)
8. नई विल्ली
9. मद्रास साल्ट कौटास
10. एर्णाकुलम गुड्स
11. बंगलौर सिटी जंक्शन
12. रायपुरम
13. कालीकट
14. सिकन्दराबाद
15. हैदराबाद
16. विजयवाड़ा
17. कोल्हापुर (गुड़ मार्केट)
18. सनतनगर
19. मौला भली
20. कालीगुड़ा
21. पौरंगाबाद
22. शालीमार
23. रांची
24. दाटानगर
25. न्यू गुपाहाटी
26. न्यू जलपाईगुड़ी
27. सिलीगुड़ी टाउन (माल)
28. कांकरिया
29. बड़ीया जंक्शन
30. असरदा जंक्शन
31. मुम्बई (कानिक लिंग)

[सं० टी० सी० प्रा०/1680/75/2]

New Delhi, the 7th July, 1978

S.O. 2194.—In exercise of the powers conferred by sub-section (2) of Section 56(B) of the Indian Railways Act 1890 (9 of 1890), the Central Government being satisfied that it is necessary that the goods booked by trains intended solely for the carriage of goods to any railway station should be removed without delay from such railway station and having regard to the factors specified in that sub-section, hereby declares the following railway stations as “notified stations” for a further period of six months with effect from 1st August, 1978 namely :—

1. Bombay (Wadi Bunder)
2. Nagpur
3. Howrah goods
4. Chitpur
5. Cossipur Road
6. Allahabad

7. Kanpur Central goods shed (Broad Gauge)
8. New Delhi
9. Madras Salt Cottars
10. Ernakulam goods
11. Bangalore City junction
12. Royapuram
13. Calicut
14. Secunderabad
15. Hyderabad
16. Vijayawada
17. Kolhapur (gur market)
18. Sanat Nagar
19. Maula Ali
20. Kacheguda
21. Aurangabad
22. Shalimar
23. Ranchi
24. Tatanagar
25. New Gauhati
26. New Jalpaiguri
27. Siliguri Town (goods)
28. Kankaria
29. Baroda Junction
30. Asarva Junction
31. Bombay (carnac Bridge).

[No. TCI/1680/75/2.]

मुद्रित पत्र

नई विल्ली, 14 जुलाई, 1978

का० प्रा० 2195.—इस मंत्रालय की 16-12-1977 की समसंबंधीय अधिसूचना की चौथी साइन से “केन्द्रीय सरकार के कार्यालयों के रूप में” वाक्यांश को निकाल दें।

[संब्या हिन्दी-77/रा० प्रा० 15/7]

प्र० न० मोहिले, सचिव एवं परेश सर्पका सचिव

CORRIGENDUM

New Delhi, the 14th July, 1978

S.O. 2195.—The words “as Central Government Offices” may please be deleted from 4th/5th line of this Ministry’s notification of even number dated 16-12-1977.

[No. Hindi-77/OL 15/7]

P. N. MOHILE, Secy. & Ex. Office Jt. Secy.

श्रम मंत्रालय

प्राप्तेश

नई विल्ली, 2 मार्च 1978

का० प्रा० 2196.—यह: केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिविष्ट विषयों के बारे में नेवेली लिंगनाइट कारपोरेशन नेवेली के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कमंकारों के बीच एक श्रौतोगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्वैशिष्ट करना बाल्यनीय समझती है;

पत: अब श्रौतोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के बांड (ध) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा एक श्रौतोगिक अधिकारण गठित करती है जिसके पीठासीन अधिकारी श्री के० सेसाहारम १ होंगे, जिसका मुख्यालय मद्रास में होगा और उक्त विवाद को उक्त श्रौतोगिक अधिकारण को न्यायनिर्णयन के लिए निर्वैशिष्ट करती है।

प्राप्ति

“क्या नेवेली लिग्नाइट कारपोरेशन के प्रबन्धसंस्थ की श्री पीर मोहम्मद वरिल्ड ड्राइवर को 11-5-1974 से सेवा से बखास्त करने की कार्यवाही न्यायोचित है? यदि नहीं तो सम्बन्धित अभिक किस अनुतोष का हक़ वार है?

[सं. एस. 23012(3)/76-डी०-३(बी०)/डी०-४(बी)]

भूपेन्द्र नाथ, डेस्क अधिकारी

MINISTRY OF LABOUR

ORDER

New Delhi, the 2nd March, 1978

S.O. 2196.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Neyveli Lignite Corporation, Neyveli and their workman in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby constitutes an Industrial Tribunal of which Shri K. Selvaratnam shall be the Presiding Officer with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management of Neyveli Lignite Corporation limited, Neyveli in dismissing Shri Peer Mohammed, Sr. Driver with effect from 11-5-1974 from service is justified? If not, to what relief is the concerned workmen entitled?

[No. L-23012(3)/76-D-III(B)/D-IV(B)]

BHUPENDRA NATH, Desk Officer

New Delhi, the 12th July, 1978

S.O. 2197.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay in the industrial dispute between the employers in relation to the management of Messrs Metcalfe and Hodgkinson Private Limited, Bombay and their workmen which was received by Central Government on the 10th July, 1978.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, BOMBAY

Reference No. CGIT-2/1 of 1976

PARTIES:

Employers in relation to the Management of M/s. Metcalfe and Hodgkinson Private Limited, Bombay.

AND

Their workman Shri A. N. D'Silva, Senior Surveyor.

APPEARANCES:

For the Employers—Shri Kishor D. Boda, Advocate.

For the Workman—Shri M. N. Bhatka, Advocate.

INDUSTRY: Ports and Docks STATE: Maharashtra

Bombay, the 12th June, 1978

AWARD

The Government of India, in the Ministry of Labour acting under the powers conferred on it by Section 10(1)(d) of the Industrial Disputes Act, (14 of 1947) has referred the

following dispute to this Tribunal for adjudication by its order No. L-31012/5/75/DIV/A, dated 5-1-1976:—

“Whether the action of the management of M/s. Metcalfe and Hodgkinson Private Limited, Bombay in having dismissed Shri A. N. D'Silva, Senior Surveyor, from service with effect from 1st August, 1975, is justified? If not, to what relief is the concerned workman entitled?”

The facts disclosed in the written statement of M/s. Metcalfe and Hodgkinson Private Limited, Bombay (hereinafter referred to as the Company) are that the workman herein A. N. D'Silva joined their service in 1956 as a Surveyor. This company carries on the work of Compass adjusting, Ship survey, Insurance Survey etc: at different ports in the Country. It has a branch office at Gandhidham under the control of one of their Directors Capt. D. K. Varma. On 22-2-1975 D'Silva was sent to Porbunder to carry out some work in respect of the ship Lily M. On 25-2-1975 the workman was instructed to proceed to Jamnagar and contact by telephone Capt. Bhansali at Bombay, another Director of the company for further directions. Capt. Varma was also directed to contact from Gandhidham the workman at Jamnagar and instruct him (workman) to proceed to Sikkim to carry out certain survey work on board the vessel “Varuna Yamini”. On 25-2-1975 at about 5 p.m. Capt. Varma contacted the workman on phone at the office of the company's agents M/s. K. P. Shah & Co. in Jamnagar and passed on the said instructions to him. The workman not only refused to take instructions from Capt. Varma but also talked to him in a rude and defiant manner. The workman told Capt. Varma that he would take instructions only from Capt. Bhansali of the Head Office and not from him and that any instruction he (Capt. Varma) intended to give him should be routed through Capt. Bhansali. The company therefore issued a show cause notice to the workman on 14-3-1975. In his explanation, the workman made derogatory remarks against the Managing Director Captain Rozario and Capt. Varma. Not being satisfied with the explanation the Management issued a chargesheet against the workman. An enquiry was held against the workman. The Enquiry Officer after examining three witnesses (Captains Bhansali, and Varma and Jitubhai, partner of K. P. Shah & Co. of Jamnagar) for the management and the workman found guilty of the several charges framed against him. The company submits that the enquiry was conducted in accordance with all the principles of natural justice. On the basis of the Enquiry Officer's findings the company dismissed the workman with effect from 1-8-1975. They submit that the misconduct committed by the workman is of a very serious nature meriting the punishment of dismissal, and therefore it does not call for any interference. Even if the Tribunal should feel that the punishment awarded is too severe, they pray that reinstatement may not be ordered. According to them in view of the nature of the work carried on by the company it is detrimental to take the workman back in service. The company understands that the workman is gainfully employed else-where and/or is carrying on business on his own. The company also pleads that this Tribunal has no jurisdiction to entertain the reference because the delinquent employee in question is not a workman within the meaning of S.2(s) of the Industrial Disputes Act nor the business carried on by them an industry within the meaning of S.2(j) (Ibd). They pray that the reference may be rejected for the aforesaid reasons.

3. The workman's cause is espoused by the Transport and Dock Worker's Union. The Asstt. Secretary of the Union has filed the statement of claim on behalf of the workman stating that he (workman) is a member of the Union having a distinction of organizing the employees of the company herein for the purposes of Co-operative and collective bargaining. He has put in more than 20 years of unblemished and meritorious service in the company. They contend that the business that is being carried on by the company in question is an industry and the charge-sheeted employee (C.S.E. for short) is a workman within the meaning of the Industrial Disputes Act. They

say that being aggrieved at the order of dismissal passed against the workman, the Union approached the Assistant Labour Commissioner (Central), Bombay for redressal of his grievance. The ALC(C), Bombay failed to bring about an amicable settlement between the parties. So he submitted a failure of conciliation report to the Government, upon receipt of which the Central Government has made this reference. The Union contends that the domestic enquiry held by the company is vitiated by non-observance of the principles of natural justice. They say that the workman was not given an opportunity to cross-examine the management's witness Capt. Bhansali. Nor was he given sufficient opportunity to lead evidence in his defence. They contend that the findings arrived at by the Enquiry Officer were not warranted by the material placed before him. They also say that the workman could not defend the case, as the charges framed against him were vague and indefinite. They also submit that for his trade union activity the workman has been victimised. They pray that the workman may be reinstated in service with full back wages and continuity of service, after setting aside the order of dismissal.

The management filed a rejoinder reiterating the joint urged by them in their written statement.

The points that arise for consideration on the above pleadings are :—

- (1) Whether the reference in question is not competent?
- (2) Whether the enquiry was conducted in violation of the principles of natural justice or vitiated by the other irregularities detailed in the statement of claim?
- (3) Whether the findings arrived at by the Enquiry Officer are not warranted by the material placed on the record?
- (4) Whether the workman is entitled to reinstatement in service with full back wages and continuity of service?
- (5) Whether the punishment of dismissal is warranted in the circumstances of the case?
- (6) To what relief?

POINT 1:

The company has taken the plea that the reference in question is not competent as the business they are carrying on is not an industry and the C.S.E. herein is not a workman within the meaning of the Industrial Disputes Act. No arguments are addressed on this point. Hence point 1 held against the management.

POINT 2 :

The learned Advocate for the workman has not pressed the point that the domestic enquiry is vitiated by failure on the part of the Enquiry Officer to observe the principles of natural justice or on account of the other irregularities set out in the claim statement. Hence point 2 held against the workman.

POINT 3 :

The only point urged on behalf of the workman is that the findings arrived at by the Enquiry Officer are perverse as the same are not warranted by the evidence placed before him. The following are the charges framed against the workman on each of which the Enquiry Officer recorded a finding of guilty :

- (a) On 25th February, 1975, at about 1700 hours when Capt. D. K. Verma, Director, contacted you on telephone at Jamnagar to give some urgent instructions, you not only refused to take Capt. Verma's instructions but also replied him in a rude and defiant manner. You even told Capt. Verma that you would not take instructions from him. You further told Capt. Verma that whatever instructions he wanted to

issue, he should get the same through Capt. Bhansali.

- (b) You refused to obey the telephonic instructions issued to you by the Company's Director Capt. D. K. Verma on 25th February, 1975 while you were at Jamnagar.
- (c) By your conduct in talking in an insulting and disparaging manner with Capt. Verma, on telephone on 25th February, 1975 at about 1700 hours you lowered his dignity and also the dignity of the company in the eyes of the company's Agents, M/s. K. P. Shah & Company.
- (d) In your letter dated 1st April, 1975, you made false allegations about the status of the company's Director Capt. D. K. Verma, questioned his competency to hold the post of a Director and also his conduct as that of unbecoming of a Director of our company.
- (e) You cast aspersions on the conduct of Capt. T. E. M. Rozario, Managing Director of the company, by alleging that he merely signed the letter dated 14th March, 1975, without bothering about the contents of the same.
- (f) In your letter dated 1st April, 1975, you made insulting remarks against Capt. D. K. Varma, a Director of the Company".

Before considering the evidence adduced before the Enquiry officer it is necessary to set out the facts leading to the initiation of the action against the workman. The company has its Head Office at Bombay and a branch office at Gandhidham (Gujarat). At the Head Office there is one Managing Director by name Capt. Rozario and another Director Capt. Bhansali (EW-1). We are told that there is another Director Captain Sharma. This is a Private Ltd. Company duly registered under the Indian Companies Act. It does among other things Survey and superintendence of ships, assessment of loss or damage of cargo and ships for the purpose of Insurance claims. There are Surveyors to help the Directors of the company in their business. This survey work is carried on at the various ports in the country and for this purpose company's Surveyors are sent to outstations. The workman herein was recruited as a Surveyor in 1956 and till he was dismissed from service on 1-8-1975 he worked in such capacity. On 22-2-1975 he was sent to Porbunder to do survey work on board the vessel Lily M. Just before he was due to leave Porbunder for Bombay on 25-2-1975 after completing that work, the workman was contacted from Bombay by Captain Bhansali to proceed to Jamnagar and to contact him on phone from there for further instructions. Accordingly the workman went to Jamnagar and contacted Jitubhai, one of the partners of the Company's agents M/s. K. P. Shah & Company to find out if there was any message from Bombay awaiting him. Jitubhai handed over a telegram to the workman. That telegram sent by Capt. Bhansali from Bombay directed the workman to proceed to Sikka to carry out survey work on board the ship "Varuna Yamini" which was to be loaded with cement, packed in paper which was more prone to destruction than cement packed in jute. By way of abundant caution Capt. Bhansali sent Capt. Varma at Gandhidham a similar message with a request that he should pass it on to the workman who was to be contacted at the office of their agents M/s. K. P. Shah & Company.

4. Accordingly at 5 P.M. Captain Varma put through a lightning call to M/s. K. P. Shah & Company and asked Jitubhai their partner if the workman was there. Jitubhai informed Captain Varma that the workman had arrived and that he could talk to him (workman). Then Capt. Varma tried to convey some instructions to the workman. What those instructions were, the evidence recorded by the Enquiry Officer does not clearly show. The workman's version is that Capt. Varma asked him to do some work of superintendence on board the Vessel 'Nikos' relieving another workman, Soni by name. The workman further says that since those instructions were in conflict with those given by Capt. Bhansali he told Capt. Varma that he

would not be in a position to carry them out. Capt. Varma's version is that the workman did not allow him to convey the message. All the time he was said to be interrupting him (Varma) saying he would not obey his (Varma's) instructions and that if he (Varma) had anything to say, the same might be conveyed through Capt. Bhansali. Capt. Varma further states that his instructions were also to the same effect viz. the workman should go on board the vessel Varuna Yamini to conduct survey work. The written statement is also to the same effect. Capt. Varma then informed Capt. Bhansali on, phone of the insubordinate behaviour of the workman. It is alleged that from 26-2-1975 to 6-3-75 the workman was not heard of. On 7-3-1975 he reported himself for duty at Bombay. The workman says after completing the work on board the vessel Varuna Yamini he returned to his Head Office at Bombay. On 14-3-1975 a letter was addressed by Capt. Rozario, the Managing Director calling upon the workman to show cause why disciplinary action should not be taken against him for his insubordination and defiant attitude towards Capt. Varma, one of the Directors of the company. The workman says that he was served with that show cause notice on 21-3-1975. On 1-4-1975 the workman submitted his explanation wherein he took the stand that Capt. Verma was not a Director of the company thereby suggesting that he was not bound to carry out his instructions. He also says that the instructions given by Capt. Varma were at variance with those given by Capt. Bhansali. He was not shouting at Capt. Varma on the telephone. Since the voice was not coming clearly on the telephone he had to speak in a loud tone. He further stated that he had duly carried out the survey work on Varuna Yamini by 2-3-1975 and returned to Bombay on 5-3-1975. During the course of that letter the workman stated that as Capt. Varma was "not able to handle" the job at Porbander he (workman) was sent to attend to it. He also stated that the Managing Director, Capt. Rozario, was "Pursuaded" to affix his signature to the show cause notice and that in his considered opinion he had "merely signed it". He also stated therein that Capt. Varma had thrown a "monkey wrench into the works". These expressions in the above letter were taken exception to and formed the basis of some more charges against the workman. The company did not find this explanation to be satisfactory. So a charge-sheet was served on the workman on 11-6-1975. On 21-6-1975 the Enquiry proceedings commenced.

5. During the enquiry Captains Bhansali and Varma and Itiubhai were examined. The workman personally conducted his defence, though the Enquiry Officer offered to give him the assistance of a co-worker. The workman did not choose to cross-examine Capt. Bhansali. He cross-examined the other two witnesses. He examined himself in support of his case. On the basis of the above evidence the Enquiry Officer found the workman guilty on all the counts. The management accepted the findings and awarded the punishment of dismissal with effect from 1-8-1975.

6. Shri Bhatkal for the workman contends that the second charge viz. refusal to obey the telephonic instruction issued by the Director Capt. Varma is not proved at all and that the finding of the Enquiry Officer to the contra is perverse. On this point there is the evidence of Captains Varma and Bhansali recorded by the Enquiry Officer. The evidence of Capt. Varma does not show that instructions he meant to give and how those instructions were flouted. Even in the cross-examination of the workman the specific instructions given by Captain Varma were not put to him. He was not even asked if he did not disobey those instructions. The statement of the workman in his chief examination that when Capt. Verma instructed him to go to work on board the vessel Nikos after relieving one Soni, he replied that as the said instructions were in conflict with those given by Capt. Bhansali he was not in a position to obey the same unless Capt. Bhansali countermanded his instructions, is not challenged in his cross-examination. The workman further stated that on his return to Bombay he told Capt. Rozario in the presence of Capt. Varma, the circumstances in which he had to disobey Capt. Varma's directions and that Capt. Rozario had accepted his explanation. He further stated that he furnished the necessary information to M/s. Mackinnon Mackenzie and Company in the presence of Captains Verma and Rozario. The correctness of this statement is also not questioned in his cross-examination. Capt. Bhansali in his evidence stated that he asked Capt. Varma to get in touch with the workman and organize the

whole operation. He further stated that on 25-2-or 26-2 Captain Varma reported to him on 'phone' that when he asked the workman to proceed to Sikka he refused to stay at Sikka, saying that he would things and return to Bombay. This conduct on the part of the workman is said to have caused "considerable damage to the relations with our clients when we were unable to provide the information they sought". This also affected their future business with the principals of their clients. This witness was not cross-examined by the workman. It is argued that on the basis of Captain Bhansali's evidence (which is not even subjected to cross-examination) the charge of insubordination and refused to carry out instructions must be held to have been established. I do not agree. This evidence is vague. He does not say that the workman did not carry out the survey operations on board the vessel Varuna Yamini as per his instructions or that the workman had not submitted his report in time and thereby inconvenienced their clients. There is no material to show that any other instructions were given. From the arguments I understand that both the Vessels Nikos and Varuna Yamini were at Sikka port. It is not the company's case that the workman refused to work on the Vessel Varuna Yamini or that he did not carry out that work as per instructions. It is sought to be argued that there is no evidence to show that the workman went to Sikka in compliance with the instructions given by Capt. Bhansali (which instructions Capt. Varma repeated). In the letter dated 1-4-1975 written by the workman in reply to the show cause notice, the workman had stated that till he left Sikka on the evening of 2-3-1975 he had not seen Capt. Varma. This statement of his that he was at Sikka till 2-3-1975 is not controverted.

7. The evidence of Captains Bhansali and Varma clearly shows that both of them gave identical instructions viz. to conduct survey operations on board the vessel Varuna Yamini at Sikka Port. This is confirmed by what is stated in the written statement. The evidence of the workman, which is not challenged in his cross-examination, shows that he had carried out the required work on board that Vessel to the satisfaction of the Directors of the company. There is no evidence to the contra on the record. It is not even suggested to the workman in his cross-examination that there were some other instructions given or intended to be given by Captain Varma to guide him in the conduct of the survey which the workman had refused to carry out. In the circumstances the contention of the workman that the finding of the Enquiry Officer that the workman refused to obey the telephonic instructions given by Captain Varma on 25-2-1975 is based on no evidence has to be accepted. No reasonable person would come to such a conclusion on charge No. 2, as the Enquiry Officer did on the basis of the evidence on the record. The finding on charge No. 2 may be characterised as perverse.

8. Charges 1 and 3.—The substance of charge No. 1 is that when Capt. Varma contacted the workman for giving urgent instructions, he refused to take those instructions and also replied to him in a rude and defiant manner. Charge No. 3 states that by his conduct the workman lowered the dignity of Captain Varma and that of the company in the eyes of their agents M/s. K. P. Shah and Company. Charge No. 1 appears to be very vague. It does not disclose what specific instructions Captain Varma purported to give. There are two conflicting versions regarding the instructions sought to be given by Captain Varma. The version of the company is that Captain Varma gave the workman the very same instructions as those given by Captain Bhansali viz. to go to work on board the vessel "Varuna Yamini" lying at Sikka Port. This is the case set out in the written statement. If this were so there is no point in saying that the workman refused to take the instructions given by Captain Varma. The evidence of the workman and the letter dated 1-4-1975 written by him clearly show that he worked on board the Vessel Varuna Yamini lying at Sikka port, from 26-2-1975 to 2-3-1975. It follows that the charge that the workman refused to take orders from Captain Varma has no legs to stand. If the case of the workman that the instructions given by Captain Varma were in conflict with those given by Captain Bhansali is to be believed, it remains to be seen whether the workman was justified in refusing to take those

instructions. Both Captains Bhansali and Varma are directors of the company entitled to equal respect. When Captain Bhansali asked the workman to attend to the work on board the vessel Varuna Yamini Captain Varma without the prior approval of Captain Bhansali cannot give different instructions asking him (workman) to work on board the vessel Nikos also lying at the same port. Sikka. The workman told Captain Varma that if he should be asked to do a job other than the one given by Captain Bhansali the said instructions should be routed through the latter. This stand of the workman appears to be justified. Charge No. 1 to the extent it relates to the refusal of the workman to take instructions from Captain Varma is not made out in the circumstances.

9. There remains the other part of the charge No. 1 viz. the behaviour of the worker towards the Director Captain Varma was very rude. A reading of the evidence of Captain Varma and Jitubhai and the letter addressed by the workman to the managing director in reply to the show cause notice probabalises this case and supports the finding of the Enquiry Officer. In that letter the workman asked the Managing Director whether Captain Varma was a director of the company or the director of the company at Gandhidam. He further stated that Captain Bhansali once told him that the Branch at Gandhidam of which Captain Varma was the director had nothing to do with the company at Bombay. When Captain Bhansali in his evidence before the Enquiry Officer denied having ever given the workman this information his statement is not challenged in his cross-examination. The evidence of Capt. Varma and Jitubhai supports the finding of the Enquiry Officer that the workman behaved in a rude and defiant manner towards Capt. Varma on the evening of 25-2-1975. If the workman told the Director Capt. Varma in the presence of Jitubhai partner of the Agents M/s. K. P. Shah & Co. that he would not take orders from him unless they were routed through Bhansali it would certainly tend to lower his dignity and consequently the dignity of the company in the eyes of the company's agents. If the instructions given by Capt. Varma were really at variance with those given by Capt. Bhansali, the workman should have politely told the former that the prior approval of Capt. Bhansali was necessary to carry out his (Varma's instructions) instead of saying that he would obey only Capt. Bhansali's and not Capt. Varma's instructions. The finding of the Enquiry Officer on charge No. 3 is based on proper evidence.

10. Charge No. 4.—In reply to the show cause notice the workman denied the status of Capt. Varma as Director of the company. He also described Capt. Varma's talk on telephone as very rude and unbecoming of a Director of the company. So far as the status of Capt. Varma as Director of the company is concerned the workman did not persist in denying it during the course of the enquiry. Capt. Bhansali was not cross-examined on that point. I agree that the workman was not justified in questioning the status of Capt. Varma as a Director of the company.

11. In para 3 of his letter the workman stated that throughout his 19 years of his service in this company not a single Director had spoken to him or ordered him in such a rude manner as Capt. Varma. He added that it was a sort of tradition of the directors of this company to be polite to their Surveyors. He therefore described the talk of Capt. Varma on telephone as unbecoming of a director of the company. It is true how and in what manner Capt. Varma insulted him is not made clear. The offensive words uttered by Capt. Varma are not reproduced. Capt. Varma in his evidence denied this charge. Even so the workman was certainly within his rights in making this remark in the course of his explanation by way of defence to the charge Memo served on him though he failed to prove the same.

12. Charge 6.—In the course of his explanation the workman stated that he had to carry on an 'on hire' survey on the vessel 'Asia Unity' as Capt. Varma was 'not able to handle the job' and again in para 2 at page 2 of that letter he used the same expressions that the Surveyor was being sent to Pobunder because Capt. Varma was 'not able to handle it'. The above expression that Capt. Varma was not able to handle the job is taken to imply

that he was incompetent to handle the job and on that basis charge No. 6 is framed, stating that the aforesaid expression constituted an insulting remark. In fairness to the workman the offending words should have been put to him and his explanation taken. He should have been given an opportunity to say what he meant by it. In the absence of such specific questions being put to him in regard to this charge, it cannot be presumed that the workman meant to insult the professional capacity of Capt. Varma. From the arguments advanced I understand that three ships including Varuna Yamini were bunched together at Port Sikka. For this reason Capt. Varma was not able to handle the work on Varuna Yamini and the service of the workman had to be urgently requisitioned. It is argued on behalf of the workman that in this context only the workman used the expression that Capt. Varma was 'unable to handle' the work. It is submitted that the workman had great respect for the professional ability of Capt. Varma who in fact trained him as Surveyor. The word 'able' means 'having the power' or 'ability', 'talented', 'clever' (vide Oxford Illustrated Dictionary). Further Capt. Varma the person alleged to have been insulted has not adverted to this aspect of the case in his evidence. I hold that there is no material at all to find the workman guilty of the charge.

13. Charge 5.—Under the signature of the Managing Director Capt. Rozario the charge Memo. was issued to the workman. During the course of his explanation submitted by the workman to the aforesaid charge Memo. the workman stated "it is indeed a regret that you should have been persuaded to affix your signature to such a letter...". Towards the end of that explanation he added "I hold no resentment towards you over this letter as it is my considered opinion that you have merely signed it". These two passages in the aforesaid explanation are said to cast an aspersion on the conduct of Capt. Rozario, Managing Director. They are taken to mean that the Managing Director merely signed the show cause Memo. without bothering about the contents of the same. Capt. Rozario has not got into the box to say that the aforesaid passages in any way offended him. During the course of the workman's cross-examination he was asked if on 15-4-1975 when he met Capt. Rozario the latter did not observe "what on earth made you (workman) to think that my views were not expressed in that letter?" The workman admitted that fact. The question is whether the aforesaid offending passages really cast any aspersion on the conduct of the Managing Director Capt. Rozario. In my view the aforesaid passages are meant to convey the meaning that the Managing Director bore no ill-will against the workman and that the charge Memo. was issued to him under his signature at the instance of some others (directors)? I do not understand the aforesaid passages in question to mean that the Managing Director is a pliable figure head who is accustomed to affix his signature without applying his mind to any paper that is placed before him. I am satisfied that there is nothing in the aforesaid passages to justify the charge that they cast any aspersion whatsoever on the ability and integrity of the Managing Director Capt. Rozario. On the other hand it may show the high esteem in which the workman holds the Managing Director.

I hold that charge 5 is not established.

14. To sum up, I hold the charges 2, 4, 5 and 6 are not at all made out and that the Enquiry Officer's findings of guilty on those charge are based on no evidence. On charges 1 and 3 the findings of the Enquiry Officer are upheld to the extent that the conduct of the workman on the evening of 25-2-1975 in speaking to Capt. Varma on the 'Phone' was rude and defiant and that it tended to lower the dignity of the Captain who is a Director of the company in the eyes of the Agents. The words 'not able to handle the job' cannot be taken as casting an aspersion on the experience and professional capacity of Capt. Varma. Admittedly Capt. Varma is highly experienced in maritime work. I hold that there is no justification to construe the above words as constituting an insult to the capacity of Capt. Varma.

POINT 5:

15. In my view charge No. 2 is the most serious one and of that charge the workman is exonerated. He is also exonerated of the charges 4 to 6. On charge 1 it is

held that the misconduct of refusal to take Capt. Varma's orders is not made out. On the second part of the charge No. 2, agreeing with the Enquiry Officer's finding, I have held that the workman had behaved in a rude and defiant manner while talking to Capt. Varma on the telephone. On charge 3 it is held agreeing with the Enquiry Officer that the above misconduct of rude and defiant behaviour tended to lower the dignity of Capt. Varma one of the directors of the company and the dignity of the company in the eyes of company's agent Shri Jithubhai. The question is whether on the above finding on charge Nos 1 and 3 the punishment of dismissal from service is called for. In my considered view it is not.

16. The workman's complaint that he has been victimised for his trade union activity is denied by the management. EW-1 Capt. Bhansali during the course of his cross-examination admitted that the workman WW-1 and two other workmen were the spokesmen of the staff of their company. The staff member of their company joined the Transport and Dock Workers' Union, in 1973. In the settlement arrived at before the Assistant Labour Commissioner (C) Bombay in January, 1974 WW-1 signed the Memo of Settlement on behalf of the staff and EW-1 on behalf of the management. EW-1 says that during the pendency of the conciliation proceedings he might have attended the office of the Assistant Labour Commissioner (C), Bombay on some days and on such of those days he attended the Assistant Labour Commissioner (C's) office the workman might have been present on behalf of the staff. The allegation of the workman that he is victimized for his trade union activities cannot be altogether ignored as baseless.

Point 5 held accordingly.

POINT 4 :

17. The question to be considered is whether the workman is entitled to reinstatement with full back wages and continuity of service. The workman joined the company's service in 1956 as a Surveyor and worked in that capacity till the date of his dismissal on 1-8-1975. Admittedly on the record there is no adverse remark against him. Captain Bhansali (EW-1) deposed that he had warned the workman on 5 or 6 occasions for misbehaviour. On one occasion the internal auditor complained to EW-1 that the workman entered into an argument with him and during the course of that he (workman) had raised his hand in a threatening manner. In 1973 the workman and his wife (wife is still an employee of this company) behaved in an insolent manner before EW-1 strongly protesting against the delay occurring in payment of wages. EW-1 says that though the workman and his wife raised their hands at him in a threatening manner only oral warnings were said issued to them. On 2 or 3 occasions he was warned for refusal to go out of Bombay on company's work. On another occasion EW-1 sent his son to the workman's house on a Sunday (which was his off day) to instruct him (workman) to contact him (EW-1) on the telephone so that the programme for the following day might be chalked out. But he did not comply with those directions. When called upon to explain the workman told EW-1 that he did not consider it necessary to do so. On another occasion the workman failed to report himself at the office after finishing the work on board a vessel at the Bombay Port. Another item of misconduct referred to by EW-1 is that the junior surveyors who were detailed to work with WW-1 reported that whenever they asked WW-1 questions to clarify their doubts about the work on hand, instead of enlightening them he would reply in a contemptuous manner "go and ask your director". For these various offences warnings were given orally. In reply to a question EW-1 stated that for minor offences it is not the practice of the company to issue charge Memos. During the course of his cross-examination the workman asserted that throughout the period of his service in this company he was never warned orally. He stated that he did not recollect if there was any occasion in June, 1973 when he misbehaved before the company's auditor and on that account the auditor refused to go to their office. He says he did not protest on 2-7-1973 against the delay in payment of salaries for the month of June, 1973 or show his clenched fist during the course of that

incident. I am not prepared to disbelieve EW-1 when he says that on 5 or 6 occasions the workman misbehaved for which oral warnings were given. However, since the management has chosen to treat these various incidents lightly no serious view need be taken of the same in the context of the present case. Even taking the present misconduct as found by me along with the other "minor offences" referred to by EW-1 I feel that the punishment of dismissal, removal or discharge from services is not warranted. Since the management has failed to establish that the workman has refused to obey the telephone instructions given by Capt. Varma, a director of the company thereby causing loss to the company, I feel that the relief of reinstatement may be ordered. The workman is not prepared to take compensation in lieu of reinstatement. In para 11 of the written statement it is stated that subsequent to the date of his dismissal the workman is beneficially employed elsewhere or carries on service on his own. It is not seriously argued that the workman has secured an alternate job. EW-1 during the course of his evidence deposed to the same effect. He further stated that his company has not investigated whether the workman has got any work from any one of their customers. The workman WW-1 during the course of his evidence deposed that subsequent to the order of dismissal during the months of August and December, 1975 he tried to get employment with M/s. Dave and Associates and Standard Surveying. After having begun in 1976 to do survey business on his own, he says he did not approach other companies for any job. After he set up his own business he got some assignments from M/s. Oriental Fire and General Insurance, F. B. Martis and M/s. Dave and Associates. According to him the total net profit he made by handling the work of these three customers was Rs. 282. It is not seriously argued that the workman is making very good profit from out of this business and therefore not entitled to payment of back wages in the event of reinstatement. The workman's statement that he has not secured alternate employment is not disputed.

18. Shri Boda, counsel for the company argued relying upon the decision of the Allahabad High Court reported in the Indian Factories and Labour-Reports, 1978 (36) para 241* argued that payment of back wages should not be ordered in every case of reinstatement as a rule. According to him if the workman is found guilty of misconduct or lapse it is in the discretion of the management not to pay wages from the day he remained out of employment. In the reported case, the workman was found guilty of carelessness in maintaining the attendance register through not forgery and manipulation. Therefore payment of back wages was disallowed. It all depends on the gravity of the offence of which he is held guilty. In the instant case the more serious offence of refusal to carry out the directions issued by the director of the company is not established. The finding of the Enquiry Officer on the other charges 4 to 6 has not been accepted by the Tribunal and the workman has been exonerated of these charges. For the misconduct of rude and defiant behaviour towards the Director Capt. Varma it has to be considered if the entire back wages should be withheld. Shri Boda argues that showing disrespect to a director of the company is a very serious offence. He also submits that since 1976 till today the workman has not cared to make any effort to secure an alternative job but remained content with the private business he was carrying on he is not entitled to payment of back wages from 1976 onwards. I agree, therefore in view of the seriousness of the misconduct and in view of the failure on the part of the workman to try for an alternative job from 1976 onwards I hold that the workman is not entitled to payment of any back wages.

Point 5 found accordingly.

POINT 6 :

In the result this reference is answered as follows :—

The action of the management of M/s. Metcalfe and Hodgkinson Private Limited, Bombay in dismissing the workman Shri A. N. D'Silva, Senior Surveyor is not justified.

He is entitled to reinstatement with continuity of service.

He is not entitled to back wages.

P. RAMAKRISHNA, Presiding Officer.

[No. L-31012/5/75-D.IV(A)]

NAND LAL, Desk Officer

नई विस्त्री, 14 जूलाई, 1978

का० आ० 1198—केन्द्रीय सरकार कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 88 द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए कर्मचारी राज्य बीमा निगम से परामर्श करने के पश्चात सारत सरकार के उद्योग मंत्रालय के इससे उत्पन्न अनुसूची में विनिर्दिष्ट कारखानों के नियमित कर्मचारियों को उक्त अधिनियम के प्रवत्तन से पूर्वोक्त अनुसूची के स्तम्भ 3 में की तत्परानी प्रविष्टियों में विनिर्दिष्ट अवधि के लिए छूट देती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं— प्रथमः—

- (1) पूर्वोक्त अनुसूची में वर्णित कारखाने, जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेंगे, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदाधिकार दिखाए जाएंगे;
- (2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे, जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संदर्भ अधिकारों के आधार पर हक्कदार हो जाते;
- (3) छूट प्राप्त अवधि के लिए यदि कोई अधिकार पहले ही किए जा चुके हों तो वे वापिस नहीं किए जाएंगे;
- (4) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दीरान उस कारखाने पर उक्त अधिनियम प्रवत्तनान था (जिसे इसमें इसके पश्चात 'उक्त अवधि' कहा गया है) ऐसी विवरणों ऐसे प्रलूप में और ऐसी विविष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम 1950 के अधीन उसे उक्त अवधि की बाबत देनी थीं;
- (5) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या निगम का इस नियमित प्राधिकृत कोई अन्य पदधारी;—
 - (i) धारा 44 की उपधारा (1) के अधीन उक्त अवधि की बाबत दी गई ऐसी विवरणों को विविष्टियों को संतापित करने के प्रयोजनार्थ; या
 - (ii) यह अधिनियित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम 1950 द्वारा यापायपेक्षित रजिस्टर और अधिसूचना उक्त अवधि के लिए रखे गए थे या नहीं; या
 - (iii) यह अधिनियित करने के प्रयोजनार्थ कि कर्मचारी नियोजक द्वारा दिए गए उन कायांगों को, जिसके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, मकान में और वस्तु रूप में पाने का हक्कदार बना हुआ है या नहीं; या
 - (iv) यह अधिनियित करने के प्रयोजनार्थ कि उस अवधि के बीचारा जब उक्त कारखाने के सम्बन्ध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपन्यधों में से किसी का अनुपालन किया गया था या नहीं; या

निम्नलिखित कार्य करने के लिए सशक्त होगा:—

- (क) प्रधान या अध्यवहित नियोजक से प्रवेश करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; या
- (ख) ऐसे प्रधान या अध्यवहित नियोजक के अधिनियमाधीन किसी कारखाने स्थापित कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रधारी से प्रवेश करना कि वह अस्तियों के नियोजन और मजदूरी के संबंध से

संबंधित ऐसी लेखा अहियां और अन्य वस्तावेज ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने वें या उन्हें ऐसी जानकारी दे जिसे वे आवश्यक समझते हैं; या

(ग) प्रधान या अध्यवहित नियोजक की, उसके अधिकारी या सेवक की, या ऐसे किसी अस्ति की जो ऐसे कारखाने, स्थापित कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी अस्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्ति युक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या

(घ) ऐसे कारखाने स्थापित, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा अहीं या अन्य वस्तावेज को नकल तैयार करना या उससे उत्प्रेरण लेना।

अनुसूची

क्रम	कारखाने का नाम	छूट की अवधि
सं०		
1.	लघु उद्योग सेवा संस्थान कर्मशाला, जोधपुर	1-10-74 से 30-9-78 तक
2.	लघु उद्योग सेवा संस्थान, विस्तार केन्द्र, जोधपुर	1-10-1974 से 30-9-78 तक
3.	लघु उद्योग सेवा संस्थान, विस्तार केन्द्र, विजयावाड़ा	1-3-1972 से 30-9-1978 तक
4.	लघु उद्योग सेवा संस्थान, कलकत्ता से संलग्न मरीनियोप-एवं औजार कक्ष	1-1-1978 से 30-9-1978 तक
5.	लघु उद्योग सेवा संस्थान, विस्तार केन्द्र, कोम्बाडूर-2	1-3-1964 से 30-9-1978 तक
6.	लघु उद्योग सेवा संस्थान, विस्तार केन्द्र, मुमुराई	1-7-1962 से 30-9-1978 तक
7.	लघु उद्योग सेवा संस्थान, चर्म परिष्करण केन्द्र, ईरोड	1-4-1965 से 30-9-1978 तक

द्यालुयात्मक ज्ञापन

इस मामले में पूर्वपिकी प्रभाव से छूट देनी आवश्यक ही गयी है क्योंकि छूट के लिए प्रारंभना पत्र देर से प्राप्त हुआ। तथापि, यह प्रमाणित किया जाता है कि कारखाने के नियमित कर्मचारी छूट के पाव हैं। यह भी प्रमाणित किया जाता है कि पूर्वपिकी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[सं० एस० 38014/34/76 एच० आई०]

New Delhi, the 14th July, 1978

S.O. 2198.—In exercise of the powers conferred by section 88 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government after consultation with the Employees' State Insurance Corporation, hereby exempts the regular employees of the factories specified in he Schedule annexed hereto, belonging to the Government of India in the Ministry of Industry, from the operation of the said Act for the period specified in the corresponding entries in column 3 of the aforesaid Schedule.

2. The above exemption is subject to the following conditions namely:—

(1) The factories mentioned in the aforesaid schedule wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;

(2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;

(3) The contributions for the exempted period, if already paid, shall not be refunded;

(4) The employer of the said factory shall submit in report of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations 1950;

(5) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—

- verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
- ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to—

- require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- examine the principal or immediate employer his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee;
- make copies of or take extracts from, any register account book or other document maintained in such factory, establishment, office or other premises.

SCHEDULE

Sl. No.	Name of the factory	Period of exemption
1	2	3
1.	Small Industries Service Institute Workshop Jaipur.	1-10-1974 to 30-9-1978
2.	Small Industries Service Institute, Extension Centre, Jodhpur.	1-10-1976 to 30-9-1978
3.	Small Industries Service Institute, Extension Centre, Vijayawada.	1-3-1972 to 30-9-1978

1	2	3
4.	Machine Shop-cum-Tool Room attached to Small Industries Service Institute, Calcutta.	1-1-1978 to 30-9-1978
5.	Small Industries Service Institute, Extension Centre, Coimbatore.	1-3-1964 to 30-9-1978
6.	Small Industries Service Institute, Extension Centre, Madurai.	1-7-1962 to 30-9-1978
7.	Small Industries Service Institute, Leather Finishing Centre, Erode.	1-4-1965 to 30-9-1978

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemptions in this case, as the request for exemption was received late. However, it is certified that the regular employees of the factories are eligible for exemption. It is also certified that the grant of exemptions with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/34/76-HI]

कांगड़ा 2199.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 30 जुलाई, 1978 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 [धारा 76 की अपधारा (1) और धारा 77, 78 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपलब्ध करनाटक राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होगे, अर्थात्—

“जिला रायचूर में रायचूर नगरपालिका की सीमा के अन्तर्गत सभी क्षेत्र”।

[सं. एस-38013/12/76-एच० आर०]

S.O. 2199.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 30th July, 1978, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Karnataka, namely :—

“All areas within the City Municipal Limits of Raichur, in Raichur District.”

[No. S-388013/12/76-HI]

कांगड़ा 2200.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 87 द्वारा प्रवस्त शक्तियों का प्रयोग करते हुए, कर्मचारी राज्य बीमा निगम से परामर्श करने के पांचात् इंस्ट्रू-मेटेशन लिमिटेड, क्लालवाड़ रोड, कोटा को, उक्त अधिनियम के प्रवर्तन से, 27 प्रगत, 1977 से 30 जून, 1978 तक जिसमें यह तारीख भी सम्मिलित है, की प्रवधि के लिए छूट देती है।

2. पूर्वोक्त छूट की प्रवधि निम्नलिखित है, अर्थात्—

- उक्त कारबाने का नियोजन, उस प्रवधि की वावत जिसके द्वारा उस कारबाने पर उक्त अधिनियम प्रवर्तनान था (जिसे इसमें इसके पश्चात् ‘उक्त प्रवधि’ कहा गया है), ऐसी विवरणिया, ऐसे प्रलॡ में और ऐसी विशिष्टियों सहित वेग जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उक्त प्रवधि की वावत देनी थी।

(2) निगम द्वारा उक्त प्रधिनियम की द्वारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी,—

- (i) द्वारा 44 की उपधारा (1) के अधीन, उक्त प्रधिनियम की बाबत वी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ ; या
- (ii) यह प्रभिनिष्पित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा धारा प्रधानमंत्रीकृत रजिस्टर और प्रभिलेख उक्त प्रधिनियम के लिए रखे गए थे या नहीं ; या
- (iii) यह प्रभिनिष्पित करने के प्रयोजनार्थ कि कर्मचारी नियोजक द्वारा विए गए उन फायदों को, जिसके प्रतिकलस्वरूप इस प्रधिसूचना के अधीन छूट दी जा रही है, नकद और वस्तुरूप में पाने का हकदार बना हुआ है या नहीं ; या
- (iv) यह प्रभिनिष्पित करने के प्रयोजनार्थ कि उस प्रधिनियम के दौरान, जब उक्त कारबाने के सम्बन्ध में प्रधिनियम के उपबन्ध प्रदृढ़ हो, ऐसे किन्हीं उपबन्धों का अनुपालम किया गया था या नहीं ।

निम्नलिखित कार्य करने के लिए सशक्त होगा,—

- (क) प्रधान या प्रध्यवहित नियोजक से प्रपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या प्रधान अधिकृत समझता है ; या
- (ख) ऐसे प्रधान या प्रध्यवहित नियोजक के प्रधिभोगाधीन किसी कारबाने स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय-समय पर प्रवेश करना और उसके प्रधानी व्यक्ति से प्रपेक्षा करना कि वह व्यक्तियों के नियोजन और मजूरी के संदर्भ से सम्बन्धित ऐसी लेखा बहियों और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समझ प्रस्तुत करें और उनकी परीक्षा करने दे, या उन्हें ऐसी जानकारी दे जिसे वे अधिकृत समझते हैं ; या
- (ग) प्रधान या प्रध्यवहित नियोजक की उसके प्रभिकर्ता या सेवक की या ऐसे किसी व्यक्ति की जो ऐसे कारबाने, स्थापन, कार्यालय या अन्य परिसरों में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या प्रधान अधिकृत के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना ; और
- (घ) ऐसे कारबाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा-बही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना ।

स्वाक्षर्यात्मक दापत्र

इस मामले में पूर्वपक्षी प्रभाव से छूट देनी अधिकृत हो गई है अर्थात् छूट की मंजूरी के लिए महानिदेशक कर्मचारी राज्य बीमा निगम की सिफारिश देर से प्राप्त हुई थी। तथापि, यह प्रमाणित किया जाता है कि कारबाना छूट का पात्र है। यह भी प्रमाणित किया जाता है कि पूर्वपक्षी प्रभाव से छूट देने से किसी के हिस पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[सं० एस० 38014/19/78-एच०आई]

S.O. 2200.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of

1948), the Central Government, after consultation with the Employees' State Insurance Corporation, hereby exempts the Instrumentation Limited, Jhalwar Road, Kota, from the operation of the said Act with effect from the 27th August, 1977 upto and inclusive of the 30th June, 1978.

2. The above exemption is subject to the following conditions namely :—

- (1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950.
- (2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—
 - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration or which exemption is being granted under this notification; or
 - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory.

be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant or any person found in such factory, establishment, office or other premises, or any person when the said Inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the recommendation of the Employees' State Insurance Corporation for grant of exemption was received late. However, it is certified that the factory is eligible for exemption. It is also certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/19/78/HI]

नई दिल्ली 17 जुलाई, 1978

का०आ० 2201.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 87 द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के अमंत्रालय की अधिसूचना सं० का० आ० 741, तारीख 27 फरवरी, 1978 के अनुक्रम में, कर्मचारी राज्य बीमा निगम से परामर्श करने के पश्चात्, हिन्दुस्तान एयरोनाइक्स लिमिटेड (लखनऊ खण्ड), लखनऊ को 1 मई, 1978 से 30 सितम्बर, 1978 तक, जिसमें यह तारीख भी सम्मिलित है, की और अवधि के लिए उक्त अधिनियम के प्रवर्तन से छूट देती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं अर्थात्:—

(1) उक्त कारखाने का नियोजन, उस अवधि की बाबत जिसके बीचन उस कारखाने पर उक्त अधिनियम बत्तमान था (जिसे इसमें इसके पश्चात् 'उक्त अवधि' कहा गया है), ऐसी विवरणियाँ, ऐसे प्रलूप में और ऐसी विशिष्टियों सहित देंगे जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थीं;

(2) नियम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (i) के अधीन नियुक्त किया गया कोई निरीक्षक, या नियम का इस निमित्त प्राधिकृत कोई अन्य पदधारी—

(i) धारा 14 की उपधारा (1) के अधीन, उक्त अवधि की बाबत वी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ; या

(ii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अधिकृत का, उक्त अवधि के लिए रखे गए थे या नहीं; या

(iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी नियोजक द्वारा विए गए उन फायदों को, जिसके प्रतिक्रियालूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तुलूप में पाने का हकदार बना हुआ है या नहीं; या

(iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के बीचन, जब उक्त कारखाने के सम्बन्ध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या या नहीं;

निम्नलिखित कार्य करने के लिये सशक्त होगा:—

(क) प्रधान या अध्यवहित नियोजक से स्वेच्छा करना कि, अह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी ग्रावयक समझता है; या

(ख) ऐसे प्रधान या अध्यवहित नियोजक के अधिभोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संबंध से संबंधित ऐसे लेखा, बहियाँ और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने वें, या उन्हें ऐसी जामकारी दें जिसे वे ग्रावयक समझते हैं; या

(ग) प्रधान या अध्यवहित नियोजक की, उसके अभिकर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास

यह विष्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखांकही या अन्य वस्तावेज की नक्स तैयार करना या उससे पद्धति लेना।

व्याख्यात्मक जापन

इस मामले में छूट को पूर्वपिक्षी प्रभाव देना ग्रावयक हो गया है, क्योंकि छूट के मंजूरी संबंधी प्रस्ताव पर कार्यवाही करने में समय लगा। तथापि, यह प्रभाणित किया जाता है कि कारखाना छूट के लिए पात्र है। यह भी प्रभाणित किया जाता है कि पूर्वपिक्षी प्रभाव से छूट की मंजूरी किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं आसेगी।

एस० 38014/35/77-एच० प्राइ०

एस० एस० सहस्रानामन, उप सचिव

New Delhi, the 17th July, 1978

S.O. 2201.—In exercise of the powers conferred by section 87 of the Employees State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour No. S. O. 741 dated the 27th Feb. 1978 the Central Government after consultation with Employees Insurance Corporation hereby exempts Hindustan Aeronautics Limited (Lucknow Division), Lucknow from the operation of the said Act for a further period from the 1st May, 1978 upto and inclusive of the 30th September, 1978.

2. The above exemption is subject to the following conditions, namely:—

(1) The employed of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (Hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees State Insurance (General) Regulations of 1950;

(2) Any Inspector appointed by the corporation under sub-section (1) of section 45 of the said Act, or other Official of the corporation authorised in this behalf shall, for the purpose of—

(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or

(ii) ascertaining whether registers and records were maintained as required by the Employees State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to—

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee;

(d) make copies or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the factory is eligible for exemption. It is also certified that the grant of exemption with retrospective effect will not affect the interest of any body adversely.

[No. S-38014/35/77-HI]

S. S. SAHASRANAMAN, Dy. Secy.

नई दिल्ली, 18 जुलाई, 1978

का० आ० 2202.—केन्द्रीय सरकार, श्रौद्धोगिक रोक्षगार (स्थायी अधिनियम, 1946 (1946 का अधिनियम 20) की धारा 2 के अंडे (ग) के भनुसरण में, सहायक अमायुक्त (केन्द्रीय), धनबाद को केन्द्रीय सरकार या रेलवे प्रशासन के नियंत्रणाधीन श्रौद्धोगिक प्रतिष्ठानों या विहार राज्य में किसी खान के संबंध में उक्त अधिनियम के अधीन प्रमाणक अधिकारी के सभी कार्य करने के लिए नियुक्त करती है।

[संक्षेप एस-12013/2/78-डी-1(ए)]

एन० क० नारायणन, डेस्क अधिकारी

New Delhi, the 18th July, 1978

S.O. 2202.—In pursuance of clause (c) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (Act 20 of 1946), the Central Government hereby appoints the Assistant Labour Commissioner (Central), Dhanbad, also to perform all the functions of a Certifying Officer under the said Act, in relation to industrial establishments under the control of the Central Government or a Railway administration or in a mine in the State of Bihar.

[No. 12013/2/78/DI(A)]
L. K. NARAYANAN, Desk Office

New Delhi, the 15th July, 1978

S.O. 2203.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Central Coal Washeries Organisation Hindustan Steel Limited, Saraidhella, Dhanbad and their workmen, which was received by the Central Government on the 11th July, 1978.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) of Industrial Disputes Act, 1947.

Reference No. 86 of 1977

Parties : Employers in relation to the management of Central Coal Washeries Organisation, Hindustan Steel Limited, Saraidhella, Dhanbad.

AND

Their Workmen.

APPEARANCE :

For the Employers : Shri S. S. Mukherjee, Advocate.

For the Workmen : None.

State : Bihar. Industry : Coal.

Dhanbad, dated, the 5th July, 1978

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-20012/233/77-

D. III(A)(i) dated the 19th October, 1977 for the adjudication of the following industrial dispute.

"Whether the demand of the workmen employed by the Central Coal Washeries Organisation, Hindustan Steel Limited, Saraidhella, Dhanbad for payment of bonus at the rate of 20 per cent for the accounting year 1976-77 is justified ? If not, to what relief, if any, are the said workmen entitled ?"

2. The parties have filed a settlement. The award is given in terms of the settlement which shall form part of the award. The reference is answered accordingly.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 DHANBAD
EMPLOYERS IN RELATION TO THE MANAGEMENT OF CENTRAL COAL WASHORIES ORGANISATION, H.S.L. SARAI DHELIA, DHANBAD

AND

Their Workmen,

The parties abovenamed have come to an amicable settlement regarding the matter in dispute amongst others referred to this Hon'ble Tribunal for adjudication.

That the parties to the dispute, in order to resolve the differences/disputes held several meetings at higher level of the management/company and Central Leaders of the Trade Unions to which they are affiliated. An agreement was reached on 30th December, 1977, which is enclosed to this application, maked Annexure 'A'.

That in terms of the above settlement this compromise petition is being filed.

That there exists no other dispute in this regard which needs further adjudication by this Hon'ble Tribunal.

That the parties will bear their own respective costs of the present proceedings.

It is therefore humbly prayed that the enclosed Memorandum of settlement dated 30-12-77 may kindly be accepted and an award for this terms thereof.

And for this your petitioners shall pray.

For and on behalf
of the Workmen

For and on behalf
of the Employer

Sd/- Illegible P. R. SINHMA, General Manger

1. C.C.W.O. Co-ordination Central Coal Washeries Orgn.
Committee of Employees Saraidhella (Dhanbad).
& Workers/Dhanbad,

Sd/- Illegible

2. K.I.M.P. Union/Dugda
(Jagdish Prasad)

3. Bihar Colliery Kamgar
Union(CITU)/Dugda.

4. Coal Washery Shramik Sangh/Dugda.
Sd/- Illegible

5. H.S.L.C.W. Employees Union/Bhojudih.
Sd/- Illegible

6. K.I.M.P./Patherdh
Sd/- Illegible

7. HSL/CCWO(PB)/Employees Union/Calcutta.
Sd/- Illegible

8. Bonus Negotiating Committee

Saraidhella, Dhanbad.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 DHANBAD
EMPLOYERS IN RELATION TO THE MANAGEMENT OF CENTRAL COAL WASHORIES ORGANISATION, H.S.L. SARAI DHELIA, DHANBAD
AND

Their Workmen,

The parties abovenamed have come to an amicable settlement regarding the matter in dispute amongst others referred to this Hon'ble Tribunal for adjudication.

That the parties to the dispute, in order to resolve the difference/disputes held several meetings at higher level of the management/company and Central Leaders of the Trade Unions to which they are affiliated. An agreement was reached on 30th December, 1977, which is enclosed to this application.

That in terms of the above settlement this compromise petition is being filed.

That there exists no other dispute in this regard which needs further adjudication by this Hon'ble Tribunal.

That the parties will bear their own respective costs of the present proceedings.

It is therefore, humbly prayed that the enclosed Memorandum of settlement dated 30-12-77 may kindly be accepted and an award passed in terms thereof.

And for this your petitioners shall pray

For and on behalf of
the Workmen :

(R. N. Mishra)
General Secretary
Hindustan Steel Coal
Washeries Workers Union.
Bhojudih.
(L. B. Sahay)
General Secretary,
Coal Washeries Workers Union,
Seraidhella/Dhanbad.
(Kedar Singh)
Asstt. Secretary,
Coal Washeries Workers Union,
Dugda.
(R. B. Singh)
Vice President
Coal Washeries Workers Union
Patherdih.

For and on behalf of
the employer :

(P. R. SINHA)
General Manager
Central Coal Washeries Orgn.
Seraidhella (Dhanbad)

Contracts and Legal Matters)
H.S.L.

6. P. N. Soni,
Addl. Chief Finance Manager,
C.C.W.O.

Representing Workmen :
S/Shri

1. B. Dubey, President, Coal Washeries Workers Union, at Dugda, Patherdih and Seraidhella.
2. H. N. Singh, Vice-President, K.I.M.P. Union, Dugda and Patherdih.
3. Dr. M. K. Pande, Bihar Colliery Kamgar Union, Dugda, H.S.L., C.C.W.O. (PB) Employees Union Calcutta, Bonus Negotiating Committee, Seraidhella.
4. Fatik Ghosh, President, H.S.L. Coal Washeries Employees Union.
5. R. N. Mishra, General Secretary, Hindustan Steel Coal Washeries Workers Union, Bhojudih.

Short Recital of the case :

1. Whereas representatives of the workmen vide their notices dated 3rd October, 1977 14th October 1977 and the 16th October 1977 raised an Industrial dispute on the issue of bonus payable to the employees of Central Coal Washeries Organisation for the accounting year 1976-77.

2. Whereas conciliation proceedings were held by the Regional Labour Commissioner, Dhanbad on the 17th October 1977.

3. Whereas the workmen resorted to strike with effect from the 18th October, 1977 in Dugda and Bhojudih Coal Washeries Central Office at Seraidhella and Purchase Office at Calcutta.

4. Whereas the Central Government referred the dispute for adjudication to the Central Government Industrial Tribunal No. 1, Dhanbad vide order No. L-20012/233/77-D III(A)(i) dated the 19th October, 1977 and prohibited the continuance of the strike in the exercise of the powers conferred by Sub-Section (3) of Section-10 of the Industrial Dispute Act, 1947, vide order No. L. 20012/233/77-D. III(A)(i) of the said date;

5. Whereas the strike was called off by the representatives of the workmen on the 31st October, 1977 in response to the appeal made by the Hon'ble Minister for Steel & Mines and the Chairman/SAIL;

6. Whereas the matter was further discussed between the representatives of the Management and those of the workmen on various dates in the months of November and December 1977;

7. Whereas finally the matter was discussed between the above parties on the 29th and 30th December, 1977 at New Delhi.

TERMS OF SETTLEMENT

Now in pursuance thereof and the discussions held, parties agreed as under :—

I. That the employees of Central Coal Washeries Organisation, Hindustan Steel Limited, Seraidhella, Dhanbad and those of Dugda, Patherdih and Bhojudih Washeries and Purchase Office, Calcutta and those of CCSO, are eligible for bonus at 8.33 per cent of wage or salary in accordance with the payment of Bonus Act and Ordinance for the accounting year 1976-77 which has already been disbursed to the employees.

II. That the payment of bonus as mentioned above has been made in accordance with the provisions of the

ANNEXURE 'A'

MEMORANDUM OF SETTLEMENT ARRIVED AT BETWEEN THE MANAGEMENT OF HINDUSTHAN STEEL LIMITED IN RESPECT OF CENTRAL COAL WASHERIES AT DUGDA, PATHERDIH AND BHOJDIH, CENTRAL OFFICE, SERAIDHELLA, PURCHASE OFFICE AT CALCUTTA AND CENTRAL COAL SUPPLY ORGANISATION AT SERAIDHELLA AND REPRESENTATIVES OF THEIR WORKMEN UNDER SECTION-18(1) OF THE INDUSTRIAL DISPUTES ACT, 1947, IN THE MATTER OF PAYMENT OF BONUS, PAYABLE TO THEIR EMPLOYEES FOR THE ACCOUNTING YEAR

1976-77.

PRESENT :

Representing Management.

S/Shri

1. R. P. Billimoria,
Chairman/SAIL.
2. B. L. Wadera,
Chairman-cum-Managing
Director, BCCL, Attorney
Holder in the matter of
C.C.W.O.
3. N. P. Dhusia,
General Manager (A & IR)
SAIL.
4. U. K. Choubey,
Chief Personnel Manager,
H.S.L.
5. J. K. Dutta,
Chief (Labour Laws,

Payment of Bonus Act/Ordinance and no further amount is payable to the employees on this account for the accounting year referred to above.

III. However, as the strike was called off on the appeal made by Hon'ble Minister for Steel and Mines and Chairman, SAIL and having regard to the totality of the situation, as a gesture of good will and with a view to maintain good industrial relations, it was agreed to allow following ad-hoc payment which shall not be treated as a precedent for any matter whatsoever, to the employees of CCWO and CCSO as indicated below :—

PAY SCALE	AMOUNT PER EMPLOYEE (Rs)
P1 and P2	275
P3 and P4	310
P5 and P6 and O1	350
P7 and P8 and O2 to O4	417

IV. The parties agreed to the need for revision of the existing incentive scheme and it was agreed that the existing incentive scheme would be revised within a period of 6 months. This is, however, without prejudice to the existing local arrangements.

V. It was further agreed that pending revision of the said incentive scheme, an ad-hoc reward scheme will be introduced by the management by 15-1-78 for overall capacity utilisation over and above 83 per cent, and the same shall be deemed to have come into effect from 1-1-78.

VI. It was further agreed that wages/salary for the strike period shall be deducted in 12 monthly instalments commencing from the pay of January, 1978 payable in the month of February, 1978.

VII. The parties agree that Industrial peace and harmony will be maintained and every efforts will be made to increase productivity.

VIII. In terms of the settlement mentioned above, in the matter of the dispute which is pending in Reference No. 86 of 1977 before the Presiding Officer, Central Government Industrial Tribunal No. 1 at Dhanbad (Bihar) parties herein agree to file this settlement as arrived at on Friday, the 30th December, 1977 at New Delhi, before the aforesaid Presiding Officer of the said Tribunal jointly praying for an award in terms of the settlement above.

IX. In conclusion it has been agreed that this settlement shall come into operation immediately after the parties to the said dispute shall file their joint petition/s before the said Tribunal praying that an Award be given in terms of this settlement.

Representing Management.

Sd/-
(R. P. Billimorja)

Sd/-
(B. L. Wadhera)

Sd/-
(N. P. Dhusia)

Representing Management

Sd/- 30-12-77
(U. K. Choubey)

Sd/- 30-12-77
(J. K. Dutta)

Sd/-
(P. N. Soni)

Representing Workmen

Sd/-
(B. Dubey)

Sd/-
(H. N. Singh)

Sd/-
(Dr. M. K. P. Pandhe)

Representing Workmen :

Sd/-
(Fatik Ghosh)

Sd/-
(R. N. Mishra)

WITNESSES

Sd/-

1. Pritish Chandra
General Secretary
U.T.U.C. (L.S.)

Sd/-

2. S. L. Passey,
Assistant Secretary,
INTUC.

Sd/-

3. Jagdish Prasad,
General Secretary,
Bihar Colliery Kamgar Union, Dugda.

Sd/-

4. R. S. Pandey,
Coal Washerries Workers Union,
Saraidhella.

Dated, New Delhi, the 30th December, 1977.

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

Employers in relation to the Management of Central
Coal Washerries Organisation, H.S.L. Saraidhella,
Dhanbad.

AND

Their Workmen.

The parties abovenamed have come to an amicable settlement regarding the matter in dispute amongst others referred to this Hon'ble Tribunal for adjudication.

That the parties to the dispute, in order to resolve the differences/disputes held several meetings at higher level of the management/company and Central Leaders of the Trade Unions to which they are affiliated. An agreement was reached on 30th December, 1977, which is enclosed to this application (Annexure-'A').

That in terms of the above settlement this compromise petition is being filed.

That there exists no other dispute in this regard which needs further adjudication by this Hon'ble Tribunal.

That the parties will bear their own respective costs of the present proceedings.

It is therefore, humbly prayed that the enclosed Memorandum of settlement dated 30-12-77 may kindly be accepted and an award passed in terms thereof.

AND FOR THIS YOUR PETITIONER SHALL PRAY

For and on behalf of the Workmen

For and on behalf of the Employer

Sd/- 23-1-78. Sd/- 23-1-78

(Shree Ram Singh) (P. R. Sinha)

Secretary GENERAL MANAGER

COAL WASHERY SHRA-

MIK SANGH DUGDA

CENTRAL COAL WASHERIES
ORGN. HINDUSTAN STEEL
LIMITED DHANBAD.

ANNEXURE 'A'

MEMORANDUM OF SETTLEMENT ARRIVED AT BETWEEN THE MANAGEMENT OF HINDUSTAN STEEL LIMITED IN RESPECT OF CENTRAL COAL WASHERIES AT DUGDA, PATHERDH AND BHOJUDIH, CENTRAL OFFICE, SERAIDHILLA, PURCHASE OFFICE AT CALCUTTA AND CENTRAL COAL SUPPLY ORGANISATION AT SERAIDHILLA AND REPRESENTATIVES OF THEIR WORKMEN UNDER SECTION-18(1) OF THE INDUSTRIAL DISPUTES ACT, 1947, IN THE MATTER OF PAYMENT OF BONUS, PAYABLE TO THEIR EMPLOYEES FOR THE ACCOUNTING YEAR 1976-77.

PRESENT :

Representing Management.

S/Shri

1. R. P. Billimoria,
Chairman/SAIL.
2. B. I. Wadhra,
Chairman-cum-Managing Director,
BCCL, Attorney Holder in the matter of
C.C.W.O.
3. N. P. DHUSIA,
General Manager (A&IR),
SAIL.
4. U. K. Choubey,
Chief Personnel Manager,
H.S.L.
5. J. K. Dutta,
Chief (Labour Laws, Contracts
and Legal Matters) H.S.L.
6. P. N. Soni,
Addl. Chief Finance Manager,
C.C.W.O.

Representing Workmen

S/Shri

1. B. Dubey, President,
Coal Washeries Workers Union, at Dugda,
Patherdih and Seraidhella.
2. H. N. Singh, Vice-President,
KIMP Union, Dugda and Patherdih.
3. Dr. M. K. Pandhe, Bihar Colliery Kamgar Union,
Dugda,
HSL, CCWO (PB) Employees Union,
Calcutta,
Bonus Negotiating Committee,
Seraidhella.
4. Fatik Ghosh, President, HSL Coal Washeries Employees
Union.
5. R. N. Mishra, General Secretary,
Hindustan Steel Coal Washeries Workers Union,
Bhojudih.

SHORT RECITAL OF THE CASE

1. Whereas representatives of the workmen vide their notices dated 3rd October, 1977, 14th October, 1977 and 16th October, 1977 raised an Industrial dispute on the issue of bonus payable to the employees of Central Coal Washeries Organisation for the accounting year 1976-77;

2. Whereas conciliation proceedings were held by the Regional Labour Commissioner, Dhanbad on the 17th October, 1977.

3. Whereas the workmen resorted to strike with effect from the 18th October, 1977 in Dugda and Bhojudih Coal Washeries and Central Office at Seraidhella and Purchase Office at Calcutta.

4. Whereas the Central Government referred the dispute for adjudication to the Central Government Industrial Tribunal No. 1, Dhanbad vide order No. L-20012/233/77-D III(A)(i) dated the 19th October, 1977 and prohibited the continuance of the strike in the exercise of the powers conferred by Sub-Section (3) of Section 10 of the Industrial Dispute Act, 1947, vide order No. L-20012/233-77-D-III(A)(i) of the said date;

5. Whereas the strike was called off by the representatives of the workmen on the 31st October, 1977 in response to the

appeal made by the Hon'ble Minister for Steel & Mines and the Chairman/SAIL;

6. Whereas the matter was further discussed between the representatives of the Management and those of the workmen on various dates in the months of November and December, 1977;

7. Whereas finally the matter was discussed between the above parties on the 29th and 30th December, 1977 at New Delhi.

TERMS OF SETTLEMENT

Now in pursuance thereof and the discussions held, parties agreed as under :—

- I. That the employees of Central Coal Washeries Organisation, Hindustan Steel Limited, Seraidhella, Dhanbad and those of Dugda, Patherdih and Bhojudih Washeries and Purchase Officer, Calcutta and those of CCSO, are eligible for bonus at 8.33 per cent of wage or salary in accordance with the payment of Bonus Act and Ordinance for the accounting year 1976-77 which has already been disbursed to the employees.
- II. That the payment of bonus as mentioned above has been made in accordance with the provisions of the Payment of Bonus Act/Ordinance and no further amount is payable to the employees on this account for the accounting year referred to above.
- III. However, as the strike was called off on the appeal made by Hon'ble Minister for Steel and Mines and Chairman, SAIL and having regard to the totality of the situation, as a gesture of goodwill and with a view to maintain good industrial relations, it was agreed to allow following ad-hoc payment which shall not be treated as a precedent for any matter whatsoever, to the employees of CCWO and CCSO as indicated below :—

PAY SCALE	AMOUNT PER EMPLOYEES(Rs.)
P1 and P2	275
P3 and P4	310
P5 and P6 and 01	350
P7 and P8 and 02 to 04	417

- IV. The parties agreed to the need for revision of the existing incentive scheme and it was agreed that the existing incentive scheme would be revised within a period of 6 months. This is, however, without prejudice to the existing local arrangements.
- V. It was further agreed that pending revision of the said incentive scheme, an ad-hoc reward scheme will be introduced by the management by 15-1-78 for overall capacity utilisation over and above 83 per cent, and the same shall be deemed to have come into effect from 1-1-78.
- VI. It was further agreed that wages/salary for the strike period shall be deducted in 12 monthly instalments commencing from the pay of January, 1978 payable in the month of February, 1978.
- VII. The parties agree that Industrial peace and harmony will be maintained and every efforts will be made to increase productivity.
- VIII. In terms of the settlement mentioned above, in the matter of the dispute which is pending in Reference No. 86 of 1977 before the Presiding Officer, Central Government Industrial Tribunal No. 1 at Dhanbad (Bihar) parties herein agree to file this settlement as arrived at on Friday, the 30th December, 1977 at New Delhi, before the aforesaid Presiding Officer of the said Tribunal jointly praying for an award in terms of the settlement above.
- IX. In conclusion it has been agreed that this settlement shall come into operation immediately after the parties to the said dispute shall file their joint peti-

tion/s before the said Tribunal praying that an Award be given in terms of this settlement.

REPRESENTING MANAGEMENT

REPRESENTING WORK-MEN

Sd/- (R. P. Billimoria)	Sd/- (B. Dubey)
Sd/- (B. L. Wadhera)	Sd/- (H. N. Singh)
Sd/- (N. P. Dhusia)	Sd/- (Dr. M. K. P. Pandhe)
	Sd/- (Fatik Ghosh)
	Sd/- (R. N. Mishra)
Sd/- 30-12-77. (U. K. Choubey)	
Sd/- 30-12-77. (J. K. Dutta)	
Sd/- (P. N. Soni)	

WITNESSES

Sd/-
1. Prithi Chandra,
General Secretary,
U.T.U.C. (I.S.).
Sd/-
2. S. L. Passey,
Assistant Secretary,
INTUC.
Sd/-
3. Jagdish Prasad,
General Secretary,
Bihar Colliery Kamgar
Union, Dugda.
Sd/-
4. R. S. Pandey,
Coal Washeries Workers'
Union, Saraidhella.

Dated, New Delhi, the 30th December, 1977.

S. N. JOHRI, Presiding Officer
[No. L-20012/233/77-D.III(A)]

S.O. 2204.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Pipradih Colliery of Central Coalfields Limited, Post Office Gomia, District Giridih and their workmen, which was received by the Central Government on the 11th July, 1978.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 71 of 1977

PARTIES :

Employers in relation to the management of Pipradih Colliery of Central Coalfields Limited, Post Office Gomia, District Giridih,

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri T. P. Choudhury, Advocate.
For the Workmen—Shri S. N. Jha, Vice President.

STATE : Bihar.

INDUSTRY : Coal.
Dhanbad, dated, the 4th July, 1978

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-20012/26/77-D.III, dated the 26th April, 1977 for the decision of the following industrial dispute:

“Whether the demand of the workmen of Pipradih Colliery of Central Coalfields Limited, Post Office Gomia, District Giridih for regularising Sarvashri (1) Nasiruddin, (2) Liyakat Meah, (3) Radhe Mahto, (4) Raitu Munda, (5) Sarjoo Nunia, (6) Sonbhadra Bhuniya, (7) Banwari Hazam, and (8) Bandhan Chamar, Category I Mazdoors and Tyndals Category IV, is justified ? If so, to what relief are the said workmen entitled and from what date ?”

2. The parties have filed a settlement in terms of which are verified. They appear to be reasonable. The award is given in terms of the settlement which shall form part of the award.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 1), DHANBAD

Reference No. 71/1977

In the matter of Industrial Dispute.

BETWEEN

The Employer in relation to Pipradih Colliery, of Central Coalfields Limited, P.O. Gomia, District Giridih.

Vrs.

Their workmen as represented by the United Coal Workers Union, Pipradih Branch.

The parties to the above reference have arrived at a mutual settlement in accordance with the terms stated below in respect of the dispute that has been referred to the Hon'ble Tribunal.

TERMS

(1) That the employers to maintain cordial Labour Relations and the requisite no. of posts having been sanctioned hereby agree to absorb all the concerned workmen namely, S/shri (1) Nasiruddin (2) Liyakat Meah (3) Radhe Mahto (4) Raitu Munda (5) Sarjoo Nunia (6) Sonbhadra Bhuniya (7) Banwari Hazam (8) Bandhan Chamar as Tindals Cat. IV after observing the usual formalities with effect from the date of creation of the posts namely from 25-5-77.

(2) That the employers undertake to expedite the process and the formal order in this regard will be issued within a month at the most.

(3) That since the concerned workmen are already in receipt of the difference of wages between Tindal Cat. IV and Cat. I Mazdoors from 8.6.76 when office order were issued there is no question of Payment of any back wages.

(4) That the existing arrangement shall continue till final orders are issued in accordance with item no.2.

That the above terms being fair and reasonable the parties pray that the Hon'ble Tribunal will be pleased to give its award in terms of the settlement and the settlement may be made a part of the Award.

For & behalf of
the employer.

Sd/-

1. Sub-Area Manager (S.C.) Sawang.

Sd/-

2. Colling Manager.

For & behalf of Union.

Sd/-

1. Shefqe Khan.

Sd/-

2. Sheo Nath Parsad Singh.

WITNESSES :

Sd/-

1. Sr. Personnel Officer.

Sd/-

2. Secretary, Pipradih Branch.

S. N. JOHRI, Presiding Officer
[No. L-20012/26/77-D.III(A)]

S.O. 2205.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Joyrampur Colliery of Messrs Bharat Coking Coal Limited, Post Office Khas Jeenagora, District Dhanbad and their workmen, which was received by the Central Government on the 11th July, 1978.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 76 of 1977

PARTIES :

Employers in relation to the management of Joyrampur Colliery of Messrs Bharat Coking Coal Limited, Post Office Khas Jeenagora, District Dhanbad.

AND

Their Workmen

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate and Shri T. P. Choudhury, Advocate.

For the Workmen—None.

STATE : Bihar.

INDUSTRY : Coal

Dhanbad, dated, the 5th July, 1978.

AWARD

This is a reference made by the Government in the Ministry of Labour vide its Order No. L-20012/225/76-D. III(A) dated the 8th June, 1977 for the decision of the following industrial dispute :

“Whether the action of the management of Joyrampur Colliery of Messrs Bharat Coking Coal Limited, Post Office Khas Jeenagora, District Dhanbad in dismissing Sarvashri Indrdeo Yadav, Darogi Yadav, Ram Khelawan Kachhi, Jahiruddin Mian, miners and Shri Juwahar Barhi mining sirdar from service with effect from 12th March, 1976 is justified? If not, to what relief are the said workmen entitled?”

2. The parties have filed a settlement. The award is given in terms of the settlement which shall form part of the award. The reference is answered accordingly.

Memorandum of settlement between the management of Area No. X Bharat Coking Coal Limited & the Union U.C.W.U. held on 15-10-1977 at Area Office

The following were present :

On behalf of the management :

1. Sri S. V. Krishnamurthy, G.M.
2. Sri R. V. K. Rao, P.M.

On behalf of workmen :

1. Sri S. K. Roy, President, UCWU.

A dispute arising out of dismissal of S/Sri Dagori Yadav, Indrdeo Yadav, Zahiruddin Mian & Ram Khelawan Kachhi, all miners/loaders and Jawahar Barhi, Mining Sirdar, is pending before the Hon'ble Presiding Officer, Central Government, Industrial Tribunal No. 1 Dhanbad, being reference No. 76 of 1977. In the meanwhile, the union has represented to the management and requested them to re-consider their decision and take the five dismissed workmen in employment. The Union has also claimed that the charges levelled against the workmen's were not completely proved beyond all reasonable doubts. The management expressed its inability to concede to the demand of the union on the ground that at the enquiry the charges levelled against them have been proved. Thereupon the Union requested that since the workmen have suffered punishment for a long time their cases should be considered at least on humanitarian ground. After taking into

account all aspects if is agreed between the management and the Union to re-consider the earlier decision on the following terms :—

1. That S/Sri Darogi Yadav, Indrdeo Yadav, Zahiruddin Mian, Ram Khelawan Kachhi & Jawahar Barhi will be taken in employment with effect from 17-10-77.
2. That the management will have no liability for back wages for the period between the date of their dismissal and date of their being taken in employment. Management have also no liability, whatsoever, for the past period.
3. For the purpose of continuity of their service, however, the period shall be treated as leave without pay.
4. That the dispute is finally resolved.

It is also agreed that a copy of the settlement shall jointly be filed before the Hon'ble Presiding Officer, Tribunal No. 1, with a prayer to give his award in the light of the settlement.

It is further agreed that a copy of the settlement shall jointly be sent to the Central Government, the Chief Labour Commissioner (C), New Delhi & Regional Labour Commissioner (C), Dhanbad & Asstt. Labour Commissioner (C), Dhanbad, under sub-rule 4 of Rule 58 of the Industrial Dispute (Central) Rule 1957.

For management's side.

1. S. V. Krishnamurthy, G.M.
2. R. V. K. Rao, P.M.

For Workmen's side :

1. S. K. Roy, President, UCWU.

WITNESSES :

1. S. S. Singh, Dy. P.M.
2. A. Kumar, Manager (Plg.)

S. N. JOHRI, Presiding Officer
(No. L-20012/225/76-D. III(A))

S.O. 2206.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Laiyo Colliery of Coal Mines Authority Limited, Ranchi and their workmen, which was received by the Central Government on the 11th July, 1978.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 31 of 1977

PARTIES :

Employers in relation to the management of Laiyo Colliery of Coal Mines Authority Limited, Ranchi,

AND

Their Workmen

APPEARANCES :

For the Employers—Shri T. P. Choudhury, Advocate.

For the Workmen—Shri D. Narsingh, Advocate.

STATE : Bihar

INDUSTRY : Coal.

Dhanbad, dated, the 3rd July, 1978.

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-2012/131/73-LRII, dated the 30th September, 1974 for the decision of the following industrial dispute :

"Whether the additional Custodian General, Coal Mines Authority Limited, Ranchi, was justified in ordering transfer of Shri S. D. Sharma, Overman at Laiyo Colliery situated in Hazaribagh District (Bihar) to Pench East Group of Western Division of Coal Mines Authority Limited under his letter dated the 12th June, 1973 ? If not, to what relief is the workman concerned entitled ?"

2. The parties have filed a settlement. The award is given in terms of the settlement which shall form part of the award. The reference is answered accordingly.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

Reference No. 31/77/23/1974

Employers in relation to the Management of Laiyo Colliery of M/s. Coal Mines Authority Ltd., Ranchi
AND
Their Workmen

The parties beg to state as follows :—

That the matter in issue has been settled between the parties out of court after a good deal of deliberations at the highest level on the following terms :—

- (a) It is agreed that the employers shall pay a sum of Rs. 15,000 (Rupees fifteen thousand only) within one month from this date to Shri S. D. Sharma on whose behalf the dispute has been raised, in full and final satisfaction of all his claims;
- (b) That there will be no reinstatement of Shri S. D. Sharma and the union relinquishes the claim for reinstatement of Shri S. D. Sharma.
- (c) That the parties shall bear their own costs.

That since this settlement is fair and reasonable, the parties pray that the Hon'ble Tribunal will be pleased to give its award in terms of the same.

For & on behalf of the workmen :

Sd/-

Illegible.

Vice President

United Coal Workers Union.

WITNESSES :

Sd/-

1. A. P. Sinha,
Asstt. Chief Personnel Officer.

Sd/-

2. D. Narsingh, Advocate.

For & on behalf of the employers.
(R. S. MURTHY)

General Manager (Personnel)

Central Coalfields Ltd. Ranchi

(formerly Central Division of Coalmines Authority Ltd.)

S. N. JOHRI, Presiding Officer
[No. L-2012/131/73-LRI]

S.O. 2207.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of West Muddidih Colliery of Messrs Bharat Coking Coal Limited, Post Office Sijua, Dhanbad and their workmen, which was received by the Central Government on the 15th July, 1978.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 13 of 1976

PARTIES :

Employers in relation to the West Muddidih Colliery of Messrs Bharat Coking Coal Limited, Post Office Sijua (Dhanbad)

AND

Their Workmen

APPEARANCES :

For the Employers—Shri T. P. Choudhury, Advocate.

For the Workmen—Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar. INDUSTRY : Coal
Dhanbad, dated the 10th July, 1978

AWARD

1. This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-20012/112/76/DIIA, dated the 28th October, 1976, for the adjudication of the following industrial dispute :—

"Whether the action of the management of West Muddidih Colliery of Messrs Bharat Coking Coal Limited, Post Office Sijua, District Dhanbad in dismissing Shri K. K. Panwar, Cashier with effect from the 19th September, 1975 is justified ? If not, to what relief is the said workman entitled ?"

2. It is not disputed that on an internal audit made on 27-9-1974 certain irregularities were detected for which following charge-sheet dated 6-11-1974 was issued against the cashier Shri K. K. Panwar :

(1) A sum of Rs. 2,695.00 has been paid by you on different accounts during the period from 21-9-1973 to 21-11-1973, without due approval of the Sub-Area Manager.

(2) You paid an amount of Rs. 2300.00 to the Asstt. Cashier for miscellaneous payments but the details of expenditure made could not be shown to the said Audit Party.

(3) You stated to have made a payment of Rs. 2322.50 but could not produce any supporting voucher before the said Audit Party against this payment.

The delinquent submitted his explanation on 8-11-1974. The Personnel Officer, Angarpathera, Shri S. P. Singh held the domestic enquiry and submitted his report on 12-4-1975 consequent to which Sub-Area Manager dismissed the delinquent workman vide his letter dated 30-8-1975 with immediate effect.

3. Union has challenged the action of the management as arbitrary, illegal and malafide and an act of unfair labour practice. Predetermined attitude to dismiss is alleged and according to the union the Enquiry Officer was perfunctory. He acted on the direction of his superiors. Quantum of punishment is also alleged to be excessive.

4. The management denied these vague allegations of very general nature. The enquiry is said to be fair and unbiased in which the Enquiry Officer gave full opportunity to the delinquent to defend himself. The punishment is alleged to be proper.

5. The Advocates considered that there was no specific allegation against any procedural irregularity in the enquiry conducted by the Enquiry Officer which prejudiced the delinquent in his defence. Learned counsel for the union therefore did not press for a decision on the preliminary point of grant of fair opportunity. His argument was only to fold; the finding of the Enquiry Officer was perverse and as there was no charge of misappropriation mere irregularities even if proved did not warrant the punishment of dismissal. Quantum of punishment therefore requires to be revised by this Tribunal in exercise of powers under Section 11A of Industrial Disputes Act.

6. The delinquent had admitted the facts and therefore the plea that the Enquiry Officer should have examined the members of the Audit Party is not of much consequence.

7. As for the perversity of the findings, after going through the report of the Enquiry Officer vis-a-vis the evidence recorded by him, I am of the view that there is no perversity in the report. Findings are based on evidence on record and inference drawn are proper and reasonable. The Enquiry Officer has exonerated the delinquent of Charge No. 2 and has held him guilty of the irregularities on other counts. The argument of perversity has thus no force.

8. As for the quantum of punishment I may say that the evidence indicates that on every slip under which payment is made, the signature of the Manager should be taken. Still on two vouchers Exts. A-12 and A-14 the signatures were not

obtained. Making of the payment was not irregular as it appears that prior sanction of the Sub-Area Manager was not a must. Charge No. 1 therefore does not speak of the defect of not obtaining prior sanction. The real irregularity was that after making payment on the bidding of the Manager, who was the immediate boss, the approval of the Sub-Area Manager should have been obtained which was not done in case of these 15 vouchers A-1 to A-15. It is again true that it was Manager's duty to write to the Sub-Area Manager for granting approval, but the Manager was not dealing with the accounts and was not the custodian of these documents. It was the duty of cashier, who was keeping them, to have brought it to the notice of the Manager that these payment vouchers were lying almost for about eleven months without the approval of the Sub-Area Manager. The negligence of the cashier lay in sitting over these vouchers for eleven months without initiating any action for seeking approval of Sub-Area Manager through the Manager. The lapse of eleven months' time brought the element of seriousness in the irregularity.

9. With respect of Charge No. 3 the evidence discloses the sorry state of the accounts. The Enquiry Officer has discussed the evidence in details itemwise. He has held that this charge is not established to the extent that the delinquent did not give the details of Rs. 1092.24 to the Audit Party with reference to Exts. C-2 and C-5, but it is established with respect to the remaining amount about which he could not satisfy the Auditors. The delinquent himself gave it in writing to the Auditors which is marked as Ext. C-6 that the remaining payments could not be accounted for from the documents. However, during the course of enquiry with the help of Exts. E to M he gave account of the whole amount involved in this charge. Here again the delinquent could not explain as to what happened to the remaining amount out of the total advance of Rs. 700 made to Shri Dubey after he had paid to Local Self Workers the total amount of Rs. 658.58. There was again the discrepancy about the amount of Rs. 600 alleged to have been paid to Sri N. K. Singh for making payment to Sri Kedar Singh and Sheopujan Bind while the advance made to Sri N. K. Singh is only Rs. 600 according to his evidence in Ext. C-2, the total payments come to Rs. 632.70. It is again not clear as to under whose order these advance payments for the month of August, 1974 were made to the two persons. Similar is the state of affairs with respect to a few other items.

10. By writing that the charges were established against the delinquent the punishing authority appears to have ignored the fact that all the three charges were not established inasmuch as the Enquiry Officer gave a finding that Charge No. 2 was not proved. As the amount involved in Charge No. 2 was not spent therefore it was not possible for the cashier or the assistant Cashier to give the details of expenditure to the Audit Party. It appears that the quantum of punishment has been determined by the punishing authority considering this un-proved charge to be a proved one. Had he carefully scrutinised the report, perhaps he may not have penalised the delinquent to the extent of dismissal on two charges only. Moreover it is evident that with respect to Charge No. 1 the responsibility as well lay with the Manager who had to obtain the approval. No action was ever taken against the Manager and by punishing the cashier the Manager thus wants to totally transfer his responsibility on the shoulders of the cashier. This mitigates the seriousness of the charge. The other mitigating circumstance is that there is no allegation of misappropriation of funds. For mere irregularity of not obtaining formal approval for eleven months and the irregularity pertaining to Charge No. 3 which rules out a case of embezzlement, the punishment of dismissal appears to be too severe a penalty which does require the consideration of the aforesaid mitigating circumstances. In my opinion the punishment should be such which may teach the delinquent a lesson against being irregular and negligent in financial matters in future and the utility of that teaching can only be when he continues to be in service.

11. Thus looking to the nature and seriousness of the charges that have been proved and the aforesaid mitigating circumstances I think the punishment of reverting the delinquent to the initial stage of the scale of pay to which he is entitled as a cashier, will meet the ends of justice. It is, therefore, ordered that Shri K. K. Panwar shall be reinstated as a cashier from a date on which he reports for duty within two months of the publication of the award in the Gazette of India with continuity in service and all benefits of past service following from it, for the purpose of pension etc. He shall, however, be placed at the initial stage of the scale of pay admissible

to a cashier and shall not be entitled to wages for the period from the date of dismissal to the date of re-instatement. This period shall be counted as on leave without pay but shall not entail break in service. The award is given accordingly.

S. N. JOHRI, Presiding Officer.
[No. L-20012/112/76-D-III(A)]

आदेश

नई दिल्ली, 24 जुलाई, 1978

का० आ० 2208--सैन्ट्रल कॉलफाल्ड्स लिमिटेड के प्रबंधतंत्र से मम्बद्ध नियोजकों और उनके कर्मकारों के बीच, जिनका प्रतिनिधित्व यूनाइटेड कोल वर्कर्स यूनियन करती है, एक औद्योगिक विवाद विद्यमान है;

और उक्त नियोजकों और कर्मकारों ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबंधों के अनुमरण में एक विभिन्न कागर द्वारा उक्त विवाद को माध्यस्थम् के लिए निर्देशित करने का कागर कर लिया है और उक्त माध्यस्थम् कागर की एक प्रति केन्द्रीय सरकार को भेजी गई है;

अतः, अब उक्त अधिनियम की धारा 10-क की उपधारा (3) के उपबंधों के अनुमरण में, केन्द्रीय सरकार उक्त कागर को, जो उसे 4 जुलाई, 1978 को मिला था, एतद्वारा प्रकाशित करती है।

करार

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन)

पक्षकारों के नाम :

नियोजकों का प्रतिनिधित्व करने वाले : 1. श्री पी० एन० रहन, उप मुख्य खनन अधिकारी, मैन्ट्रल कॉलफाल्ड्स लिमिटेड, दरभंगा हाउस, गांधी और शक्की खनन, महामधिव, यूनाइटेड कोल वर्कर्स यूनियन, डाकघर बेरमी, जिला गिरिडीह, विहार के माध्यस्थम् के लिए निर्देशित करने का कागर किया गया है।

कर्मकारों का प्रतिनिधित्व करने वाले : 1. श्री टी० एन० आ, मंत्री, यूनाइटेड कोल वर्कर्स यूनियन, डाकघर डाकग, जिला रांची।

पक्षकारों के बीच निम्नलिखित विवाद को सर्वश्री एम० एन० गुलाटी, अतिरिक्त मुख्य कार्मिक अधिकारी, मैन्ट्रल कॉलफाल्ड्स लिमिटेड, दरभंगा हाउस, गांधी और शक्की खनन, महामधिव, यूनाइटेड कोल वर्कर्स यूनियन, डाकघर बेरमी, जिला गिरिडीह, विहार के माध्यस्थम् के लिए निर्देशित करने का कागर किया गया है।

1. विनिर्दिष्ट विवादग्रन्थ विषय :

क्या डाकरा कॉलियरी के सर्वश्री मन्त्रालय, कवारी लोडर, फिरत लाल मननामी, कवारी लोडर, कृष्ण माहन, इलेक्ट्रीशियन और रामप्रीत राम, ड्राइवर को 24-5-1975 को कॉलियरी में व्याप स्थिति में बखास्त करना न्यायोचित है? यदि नहीं, तो वे किस अनुतोष के हकदार हैं?

2. विवाद के पक्षकारों का विवरण, विषयमें अन्तर्वित व्यापन या उपकार का नाम और पता भी मम्मिलित है :

1. मैन्ट्रल कॉलफाल्ड्स लिमिटेड, डाकघर डाकग, जिला रांची की डाकरा कॉलियरी का प्रबंधतंत्र।

2. सैधूल कोलफील्ड्स लिमिटेड की डाकरा कीनियरी के कर्मकार जिनका प्रतिनिधित्व यूनाइटेड कोल वर्कर्स यूनियन, डाकघर डाकरा, जिला राज्यी करती है।

3. प्रभावित उपचार में नियोजित कर्म- लगभग 1700 कारों की कुल संख्या :

4. विवाद द्वारा प्रभावित या संभाव्यतः 4 (चार) प्रभावित होने वाले कर्मकारों की प्राक्कलित संख्या :

हम यह करार भी करते हैं कि मध्यस्थों का मर्वसम्मत विनियोजित हम पर आबद्धकर होगा और यदि मध्यस्थ अपने मर्तों में समान रूप से विभाजित हों तो वे किसी अन्य व्यक्ति को मध्यस्थ (अम्पाइर) के रूप में नियुक्त करेंगे जिसका पंचाट हम पर आबद्धकर होगा। मध्यस्थ अपना पंचाट तीन मास की कालावधि या इतने और समय के भीतर जो हमारे शीघ्र पारस्परिक विवित करार द्वारा बढ़ाया जाए, देंगे। यदि पूर्व विभिन्न कालावधि के भीतर पंचाट नहीं दिया जाता सो मध्यस्थम् के लिए निवेश स्वतः रद्द हो जाएगा और हम नए माध्यस्थम् के लिए बातचीत करने को स्वतंत्र होंगे।

कर्मकारों के हस्ताक्षर

कर्मकारों का प्रतिनिधित्व करने वाले : नियोजिकों का प्रतिनिधित्व करने वाले :

हॉ/- (टी० एम० मा)	हॉ/- (पी० एम० रहन)
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डाकरा, 22 जून, 1978

साक्षी :

1. हॉ/- (जलील अहमद) 22-6-78
2. हॉ/- (एन० के० गुप्ता) 22-6-78

[सं० एस-20013/4/78-डी-3(ए)]

एस० एच० एस० अम्यर,
डेस्क अधिकारी

ORDER

New Delhi, the 24th July, 1978

S.O. 2208.—Whereas an industrial dispute exists between the employers in relation to the management of Central Coalfields Limited and their workmen represented by United Coal Workers' Union,

And whereas, the said employers and their workmen have by a written agreement under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said agreement which was received by it on the 4th July, 1978.

AGREEMENT

(Under Section 10-A of the Industrial Disputes Act 1947)

BETWEEN

NAMES OF PARTIES :

Representing employers :

Sri P. L. Ralhan.
Dy. Chief Mining Engineer,

Dakra Colliery, Central Coal-fields Limited, P.O. Dakra, Dist. Ranchi, Bihar.

Representing workmen :

Sri T. N. Jha, Secretary,
United Coal Workers' Union,
P.O. Dakra, Dist. Ranchi.

It is hereby agreed between the parties to refer the following dispute to the Arbitration of S/Sri M. L. Gulati, Addl. Chief Personnel Officer, Central Coalfields Ltd., Darbhanga House, Ranchi and Shafique Khan, General Secretary, United Coal Workers' Union, P.O. Bermo, District Giridih, Bihar :—

(i) Specific matters in disputes :

“Whether the dismissal of S/Sri Sant Ram, Quarry Loader, Firtla Satnami, Quarry Loader, Krishan Mohan, Electrician and Ramprit Ram, Driver of Dakra Colliery in the situation prevailing in the colliery on 24-5-75 is justified? If not to what relief they are entitled.”

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved :—

(1) Management of Dakra Colliery of Central Coalfields Ltd., P.O. Dakra, District Ranchi.

(2) Workmen of Dakra Colliery of Central Coalfields Ltd., as represented by United Coal Workers' Union, P.O. Dakra, Dist. Ranchi.

(iii) Total No. of workmen employed in the undertaking affected. Approximately 1700.

(iv) Estimated No. of workmen affected or likely to be affected : 4 (four).

We further agree that the unanimous decision of the Arbitrators shall be binding on us and that in case the Arbitrators are equally divided in their opinion they shall appoint another person as Umpire whose award shall be binding on us. The Arbitrators shall make their award within a period of 3 months or within such further time as is extended by mutual agreement between us in writing. In case the award is not given within the period aforementioned the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

SIGNATURE OF PARTIES :

Representing workmen

Sd/-
(T. N. Jha)

Dated at Dakra this day of 22nd June, 1978.

Representing employer

Sd/-
(P. L. Ralhan)

WITNESSES :

1. Sd/- 22-6-78.
(Jalil Ahmad)
2. Sd/- 22-6-78.
(N. K. Gupta).

[No. L-20013/4/78-D. III(A)]

S. H. S. IYER, Desk Officer

प्रादेश

नई दिल्ली, 19 जूलाई, 1978

का० एस० 2209.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनियोजित विषयों के बारे में कर्तारक बैंक लिमिटेड, मंगलोर के प्रबंधतात्व से संबद्ध नियोजकों और उनके कर्मकारों के शीघ्र एक अद्वितीय विवाद विद्यमान है;

और केन्द्रीय सरकार उपर विवाद को न्यायनिर्णयन के लिये निवारित करना वांछतीय समस्ती है।

प्रतः, अब, ग्रोष्टोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (प) द्वारा प्रबन्ध एवं कानूनों का प्रयोग करते हुए केन्द्रीय सरकार एक ग्रोष्टोगिक अधिकरण गठित करती है जिसके पीछासीन अधिकारी श्री एल० एल० एस० एस० द्वारा होंगे, जिसका मुख्यालय बंगलौर में होगा और उक्त विवाद को उक्त ग्रोष्टोगिक अधिकरण को न्यायनिर्णयन के लिये निर्देशित करती है।

अनुसूची

“क्या श्री ग्राहोगिक कुमार, प्रटेन्डर की वर्ष 1976 व 1977 की आधिकारिक वेतन वृद्धि रोकने की कर्तव्यिक लिमिटेड के प्रबन्धसंतंत्र की कार्राई, जबकि अधिकारी की वेतन वृद्धि भी मूलतः ही है, न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुसूची का अधिकारी है?”

[सं० एल०-12011/66/78-डी. II प.]

टी० के० रामाचन्द्रन, अबर सचिव

ORDER

New Delhi, the 19th July, 1978

S.O. 2209.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Karnataka Bank Limited, Mangalore and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A read with clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an industrial Tribunal the Presiding Officer of which shall be Shri F. L. F. Alvares with headquarters at Bangalore and refers the said dispute for adjudication to the said Central Government Industrial Tribunal.

SCHEDULE

“Whether the action of the management of Karnataka Bank Limited in stopping two annual increments of Shri Ashok Kumar, Attender for the years 1976 and 1977 with the effect of postponing future increments is justified? If not, to what relief is the workman concerned entitled?”

[F. No. L-12011/66/78-D.II.A]

T. K. RAMACHANDRAN, Under Secy.

आवेदा

नई विल्सो, 20 जुलाई, 1978

का० आ० 2210.—सेण्ट्रल माइन प्लानिंग एण्ड डिजाइन हस्टीट्यूट लिमिटेड के प्रबन्धसंतंत्र से संबद्ध नियोजकों और उनके कर्मकारों के बीच, जिसका प्रतिनिधित्व नेशनल कॉल आर्गेनाइजेशन एम्प्लाईज एसोसिएशन करती है, एक ग्रोष्टोगिक विवाद विद्यमान है।

और उक्त नियोजकों और कर्मकारों ने ग्रोष्टोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10क की उपधारा (1) के उपबंधों के अनुसरण में एक नियत करार द्वारा उक्त विवाद को माध्यस्थम के लिए निर्देशित करने का करार कर लिया है और उक्त माध्यस्थम करार की एक प्रति केन्द्रीय सरकार को भेजी गई है;

प्रतः, अब, ग्रोष्टोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (3) के उपबंधों के अनुसरण में केन्द्रीय सरकार उक्त करार को जो उसे 6 जुलाई, 1978 को मिला था, इद्दहारा प्रकाशित करती है।

(करार)

(ग्रोष्टोगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन) पक्षकारों के नामः

(क) नियोजकों का प्रतिनिधित्व करने वाले: श्रेद्धालु नियोजक (मुख्यालय) द्वारा सेण्ट्रल माइन प्लानिंग एण्ड डिजाइन हस्टीट्यूट लिमिटेड गोंदवासा प्लेस कंपनी रोड, रांची।

(ख) कर्मकारों का प्रतिनिधित्व करने वाले: महा-सचिव द्वारा नेशनल कॉल आर्गेनाइजेशन एम्प्लाईज एसोसिएशन, दरभंगा हाउस, रांची।

खलू. पक्षकारों के बीच निम्नलिखित ग्रोष्टोगिक विवाद को श्री आर० एन० शर्मा, प्रध्यक्ष व प्रबन्ध नियोजक, सेण्ट्रल कॉल फॉल्स लिमिटेड रांची के माध्यस्थम के लिए नियेशित करने का करार किया गया है।

ग. विनियिक्षण विवादग्रस्त विषयः प्रबन्धसंतंत्र द्वारा पहली जुलाई, 1977 को मुख्यालय, ग्रोष्टोगिक सी० एम० पी० डी० आई० लिमिटेड के संस्थान से संबंधित सभी कर्मकारों (इनियोजक संघर्ष को छोड़कर) की वरीयता की संयुक्त सूची का मसौदा प्रकाशित किया गया और वाद में 3-4-1978 को प्रबन्धसंतंत्र द्वारा प्रतिम संयुक्त सूची प्रकाशित की गई।

कथा 3-4-1978 को प्रकाशित कर्मकारों की वरीयता की प्रतिम संयुक्त सूची में भूतपूर्व एन० सी० डी० सी० (अब सी० सी० एल०) के ऐसे कर्मकारों को जिन्होंने सी० एम० पी० डी० आई० लिमिटेड में सेवा करने का विकल्प दिया था और सी० पी० एम० पी० डी० आई० लि० द्वारा पहली प्रत्रै, 1975 को या उससे पहले नियुक्त किए गए कर्मकारों को कॉल बोर्ड, डी० सी० सी० एल० और सी० आई० एस० के ऐसे कर्मचारियों से वरीयता मिलनी चाहिए जो वाद में सी० एम० पी० डी० आई० एल० में स्थानान्तरित किए गए। ऐसे सभी कर्मकारों की वरीयता निर्धारित करने के लिये क्या कसौटी होनी चाहिए और सी० एम० पी० डी० आई० एल० की समेकित वरीयता सूची में पारस्परिक वरीयता के मामलों में क्या परिणामी संभजन यदि कोई हो, आवश्यक होंगे?

ए. विवाद के पक्षकारों का विवरण, 1. दि सेण्टल माइन प्लॉटिंग एड
जिसमें अन्तर्विलित स्थापन या उपकरण
का नाम और पता भी सम्मिलित है : डिजाइन इंस्टीट्यूट लिमिटेड,
गोंदवाना प्लॉम, कंके रोड,
रांची। इसमें निम्नलिखित
धोकाय संस्थान भी शामिल हैं,
अर्थात् :—

(1) धोकाय संस्थान सं० 1-आमने-
सोल में स्थित।

(2) „ „ सं० 2-धनबाद में
स्थित।

(3) „ „ सं० 3- रांची में
स्थित।

(4) „ „ सं० 4-नागपुर
में स्थित।

इ. कर्मकार का नाम यदि वह स्वयं नेशनल कोल आर्मीनाइजेशन इम्प्लाईज
विवाद में अन्तर्विलित है या यदि कोई एसोसिएशन, वर्कर्स वार्स, रांची।
संघ प्रशंसन कर्मकारों का प्रति-
निधित्व करता हो तो उसका नाम :
च. प्रभावित उपकरण में नियोजित कर्म-
कारों की कुल संख्या:

च. विवाद द्वारा प्रभावित या संभाव्यत: 600
प्रभावित होने वाले कर्मकारों की
प्राक्तिकलित संख्या :

हम यह करार भी करते हैं कि माध्यस्थ का विनियोग हम पर आवश्यक होगा।

माध्यस्थ प्रथमा पंचाट 60 (साठ) दिनों की कालावधि या इन्हें और
समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा
वढ़ाया जायगा, वेगा। यदि पूर्ण विनियोग कालावधि के भीतर पंचाट नहीं
विद्या जाता तो माध्यस्थम के लिये नियोग स्वतः रह हो जायगा और हम
नये माध्यस्थम के लिये बातचीत करने को स्वतंत्र होंगे।

पक्षकारों के हस्ताक्षर

ह/- (एम० के० मुख्यर्जी)	ह/- (जे०के० बोस)
30-6-78	महा सचिव
	30-6-78

नियोजितों का प्रतिनिधित्व करने वाले कर्मकारों का प्रतिनिधित्व करने वाले

साक्षी	साक्षी
(1) हस्ताक्षर/- (अपठनीय)	(1) हस्ताक्षर/- (एम० के० भट्टाचार्जी)
	30-6-78
(2) हस्ताक्षर/- (अपठनीय)	(2) हस्ताक्षर/- (बी०आर०सरकार)
रांची, 30 जून, 1978	30-6-78

[सं० एल-20013/3/78-डी-3(ए)]

एस० एच० एस० अम्बर, इंस्कॉफिकारी

ORDER

New Delhi, the 20th July, 1978

S.O. 2210.—Whereas an industrial dispute exists between
the employers in relation to the management of Central Mine

Planning and Design Institute Limited and their workmen
represented by National Coal Organisation Employees
Association.

And whereas, the said employers and their workmen have
by a written agreement under sub-section (1) of section 10A
of the Industrial Disputes Act, 1947 (14 of 1947), agreed to
refer the said dispute to arbitration and have forwarded to
the Central Government a copy of the said arbitration
agreement;

Now therefore, in pursuance of sub-section (3) of section
10A of the said Act, the Central Government hereby pub-
lishes the said agreement which was received by it on the
6th July, 1978.

AGREEMENT

(Under Section 10-A of the Industrial Disputes Act 1947)

BETWEEN

Names of the Parties:

A. Representing employer.—Central Mine Planning and
Design Institute Limited, Gondwana Place, Kanke
Road, Ranchi, through Regional Director (Head-
quarters).

B. Representing workman/workmen.—National Coal
Organisation Employees Association, Darbhanga
House, Ranchi, through the General Secretary.

B.B. It is hereby agreed between the parties to refer the
following dispute to the arbitration of Sri R. N.
Sharma, Chairman-cum-Managing Director, Central
Coalfields Limited, Ranchi.

C. Specific matters in dispute :

A Draft Combined List of Seniority of Headquarters
and Institute of CMPDI Ltd. in respect of all work-
men, excluding Drilling cadre, was published by the
Management on 1st July, 1977 and Final Combined
List was later published by the Management on
3-4-1978. Whether in the Final Combined List of
Seniority of workmen published on 3-4-1978, the
workmen of erstwhile NCDC (now CCL) who had
opted for services in CMPDI Ltd., and the work-
men appointed by the CMPDI Ltd. itself on or
before 1st April, 1975, should get seniority over
the employees of the Coal Board, B.C.C.I., and
C.I.L. transferred to CMPDIL subsequently?

What should be the criteria for determining the
seniority amongst all these workmen and what
consequential adjustments, if any, in the matter of
inter-se-seniority in the consolidated seniority list
of CMPDI Ltd. would be necessary?

D. Details of the parties to the dispute including the
name and address of the establishment or under-
taking involved :

The Central Mine Planning and Design Institute
Ltd., Gondwana Place, Kanke Road, Ranchi in-
cluding its following Regional Institutes, viz :

1. The Regional Institute No. 1--located at Asansol.
2. The Regional Institute No. 2—located at Dhanbad.
3. The Regional Institute No. 3—located at Ranchi.
4. The Regional Institute No. 4—located at Nagpur.

E. Name of the workmen in case he himself is involved
in the dispute or the name of the Union, if any,
representing the workman or workmen in question.
National Coal Organisation Employees Association,
Darbhanga House, Ranchi.

F. Total number of workmen : 900
employed in the undertaking affected.

G. Estimated number of work : 600
men affected or likely to be affected by the dispute.

We further agree that the decisions of the Arbitrator shall
be binding on us.

The Arbitrator shall make his award within a period of 60 (Sixty) days or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the Parties :

Representing Employer :

Sd/- (30-6-78)
(S. K. Mukherjee)Representing workman/
workmen :Sd/- (30-6-78)
(J. K. Bose)
General Secretary

Witness .

1. Sd/- (Illegible)
2. Sd/- (Illegible)

Witness :

1. Sd/- (30-6-78)
(A. K. Bhattacharjee)
2. Sd/- (30-6-78)
(B. R. Sarkar)

Dated at Ranchi, this day of 30th June, 1978.

[No. L-20013/3/78-D. III (A)]

S. H. S. IYER, Desk Officer

का०आ० 2211. यतः तिपुरा राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुमरण में श्री एच० मुखर्जी के स्थान पर श्री क०बी० गुरुंग, सचिव, तिपुरा सरकार, श्रम विभाग, अगरतला, को कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिये नाम विनिर्दिष्ट किया है ;

अतः, अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुमरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० आ० 1517 तारीख 14 अप्रैल, 1976 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में “राज्य सरकारों द्वारा धारा 4 के खण्ड (घ) के अधीन नाम निर्दिष्ट” शीर्षक के नीचे मद 25 के सामने प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जायगी, अर्थात् :—

“श्री क०बी० गुरुंग,
सचिव, तिपुरा सरकार,
श्रम विभाग, अगरतला” ।

[सं० य० 16012(6) 178-एच० आई०]

S.O. 2211.—Whereas the State Government of Tripura has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri K. B. Gurung, Secretary to the Government of Tripura, Labour Department, Agartala to represent that State on the Employees' State Insurance Corporation in place of Shri H. Mukherjee ;

Now, therefore, in pursuance of section 4 of the Employees State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour

No. S.O. 1517, dated the 14th April, 1976, namely :—

In the said notification, under the heading “Nominated by the State Government under clause (d) of section (4)”, for the entry against item 25, the following entry shall be substituted, namely :—

“Shri K. B. Gurung,

Secretary to the Government of Tripura,
Labour Department,
Agartala”.

[No. U-16012/6/78-HI]

का०आ० 2212.—यतः तिपुरा राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 10 की उपधारा (1) के खण्ड (घ) के अनुसरण में श्री एच० मुखर्जी के स्थान पर श्री क०बी० गुरुंग सचिव, तिपुरा सरकार, श्रम विभाग, अगरतला को कर्मचारी राज्य बीमा निगम की चिकित्सा प्रसुविधा परिषद में उस राज्य का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है ;

अतः, अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 10 की उपधारा (1) के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० आ० 2980 तारीख, 26 जुलाई, 1976 में निम्नलिखित संशोधन करती है अर्थात् :—

उक्त अधिसूचना में “(संबंधित राज्य सरकारों द्वारा धारा 10 की उपधारा (1) के खण्ड (घ) के अधीन नाम निर्दिष्ट)” शीर्षक के नीचे मद 21 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जायेगी, अर्थात् :—

“श्री क०बी० गुरुंग
सचिव, तिपुरा सरकार,
श्रम विभाग, अगरतला” ।

[सं० य० 16012/6/78-एच० आई०]

एस० एस० सहस्रनामन, उप सचिव

S.O. 2212.—Whereas the State Government of Tripura has, in pursuance of clause (d) of Sub-Section (1) of Section 10 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri K. B. Gurung, Secretary to the Government of Tripura, Labour Department, Agartala to represent that State on the Medical Benefit Council in place of Shri H. Mukherjee ;

Now, therefore, in pursuance of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 2980, dated the 26th July, 1976 namely :—

In the said notification, under the heading “(Nominated by the State Government concerned under clause (d) of sub-section (1) of section 10)” for the entry against item 21, the following entry shall be substituted, namely :—

“Shri K. B. Gurung,

Secretary to the Government of Tripura,
Labour Department,
Agartala.”

[No. U-16012/6/78-HI]

S. S. SAHASRANAMAN, Dy. Secy.

